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ABSTRACT

The Museum of Anthropology, University of Northern Colorado at Greeley, has assembled various American Indian tribal charters, constitutions, and by-laws to comprise a series of publications. The present volume, Part XII, is a continuation of the publication on Basin-Plateau Indian groups: the Ely Indian Colony and Reno-Sparks Indian Colony of Nevada; the Washoe Tribe of Nevada and California; the Coeur d'Alene Tribe, Shoshone-Bannock Tribes, Kootenai Tribe, and Nez Perce Tribe of Idaho; the Confederated Tribes of Goshute Reservation and Ute Indian Tribe of Uintah and Ouray Reservation in Utah; the Ute Mountain Tribe of Colorado, New Mexico, and Utah; and the Southern Ute Tribe of Colorado. (EL)

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Number 13



CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN
TRIBES OF NORTH AMERICA

Part XII: The Basin-Plateau Tribes (cont'd.)

compiled/edited by

George E. Fay

Museum of Anthropology
University of Northern Colorado
Greeley, Colorado

February, 1971

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The editor is indebted to the following persons for providing, and extending permission to reproduce herein, the charters, constitutions and by-laws of the Indian tribes of Nevada, California, Idaho, Utah, and Colorado.

Superintendent, Nevada Agency of the Bureau of Indian Affairs,
Stewart, Nevada: Ely Indian Colony (Shoshone) and Reno-
Sparks Indian Colony.

Angus A. Wilson, Chairman of the Tribal Executive Committee,
Lapwai, Idaho: Nez Percé Tribe.

John L. Pappan, Superintendent of the Fort Hall Agency, Bureau
of Indian Affairs, Fort Hall, Idaho: Shoshone-Bannock Tribes.

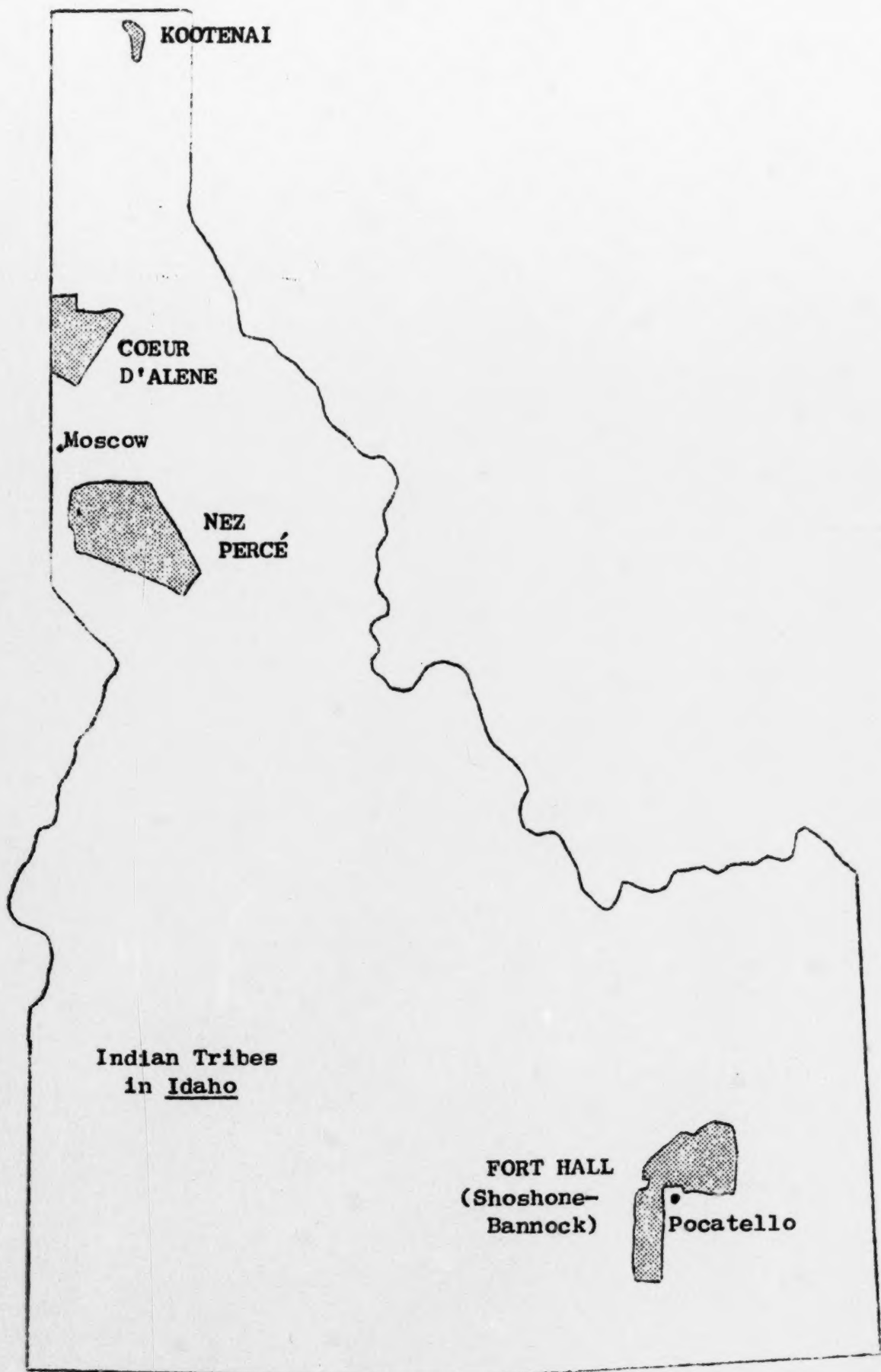
Leslie M. Say, Jr., Chief of the Tribal Government Section,
Bureau of Indian Affairs, Washington, D. C.:

Washoe Tribe of Nevada and California
Kootenai Tribe of Idaho
Confederated Tribes of the Goshute Reservation, Utah
Ute Indian Tribe of the Uintah and Ouray Reservation,
Utah
Coeur d'Alene Tribe, Idaho
Ute Mountain Tribe of Colorado, New Mexico and Utah
Southern Ute Tribe of Colorado.

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CONSTITUTION AND BY-LAWS OF THE ELY

INDIAN COLONY, NEVADA

Approved April 8, 1966

PREAMBLE

We, the members associated with the Ely Indian Colony, hereinafter referred to as the "Colony," in order to establish a colony organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create a governing body through which we may properly assume our responsibilities, do hereby ordain and establish this Constitution and Bylaws.

ARTICLE I -- TERRITORY

The jurisdiction of the Ely Indian Colony shall extend to all lands within the boundaries of the present colony site in White Pine County, and to such other lands as may hereafter be acquired by the Colony.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Colony shall consist of the following:

(a). All persons of at least one-quarter degree Shoshone Indian blood whose names appear on the census roll of the Ely Colony dated April 1, 1930; provided that the Ely Colony Council shall have the authority to make any necessary corrections in the above specified roll.

(b). All persons of at least one-quarter degree Shoshone Indian blood who are descendants of members.

SEC. 2. The Ely Colony Council shall have the power to enact ordinances, subject to review by the Secretary of the Interior, governing enrollment procedures, the loss of membership, and the adoption of new members.

SEC. 3. No person enrolled with another Indian tribe or group shall be eligible for membership with the Colony.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Colony shall consist of a council of five known as the Ely Colony Council, hereinafter referred to as the "Council."

SEC. 2. Councilmen shall be at least 21 years of age; shall be elected by secret ballot; and shall hold office for a term of two years, or until their successors have been elected and installed.

SEC. 3. The Council shall elect from within its own council membership a Chairman, Vice-Chairman, and Secretary-Treasurer.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first election under this constitution shall be called and supervised by the present colony council within 60 days after the date of approval of this constitution, and thereafter elections shall be held every two years on the fourth Saturday of January.

SEC. 2. Any enrolled member of the Colony, or any person eligible for enrollment with the Colony, who is at least 21 years of age shall be entitled to vote.

SEC. 3. Any qualified voter of the Colony may announce his candidacy for the Council by notifying the Secretary-Treasurer in writing of his candidacy no later than the second Tuesday in January of an election year. The list of candidates shall be announced publicly in the regular January council meeting preceding the election and shall further be posted this same day.

SEC. 4. The Council shall appoint an election board of at least three members who shall determine regulations governing elections; supervise the elections; and shall certify the elections to the Council within two days after election returns have been counted.

ARTICLE V — VACANCIES AND REMOVAL

SECTION 1. If an officer or other member of the Council shall die, resign, or be removed from office, the Council shall declare the office vacant and appoint a successor to fill the unexpired term.

SEC. 2. The Council may, by three affirmative votes, expel any officer or member who is proven guilty of improper conduct or of gross neglect of duty. Before any vote for expulsion is taken in the matter, such officer or member shall be given an opportunity to answer any or all charges at a designated council meeting. The decisions of the Council shall be final.

ARTICLE VI — POWERS AND DUTIES OF THE COUNCIL

SECTION 1. Enumerated Powers. The Council shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

(a). To represent the Colony in negotiation with the Federal, State, and local governments and other agencies, corporations, associations, or individuals; and to cooperate with the Bureau of Indian Affairs, Public Health Service, and other departments of the State of Nevada in matters of welfare, education, recreation and social services.

(b). To employ counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c). To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests of land, or other tribal assets of the Colony.

(d). To consult with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Colony prior to the submission of such estimates to the Bureau of the Budget or to Congress.

(e). To plan and manage all economic affairs and enterprises of the Colony.

(f). To promulgate and enforce resolutions or ordinances, which shall be subject to review by the Secretary of the Interior, providing for the manner of making, holding, and revoking assignments of Colony lands; providing for the levying of taxes and the appropriation of available Colony funds for public purposes; providing for the licensing of non-members coming upon Colony lands for the purpose of conducting business; and for the exclusion from these lands of persons not so licensed or otherwise undesirable.

(g). To create and regulate subordinate organizations; and to delegate to such organizations, or to any subordinate boards or officials of the Colony, any of the foregoing powers reserving the right to review and rescind any action taken by virtue of such delegated power.

(h). To adopt legislation, not inconsistent with this constitution and the attached bylaws, which is necessary in exercising the duties conferred upon the Council and in regulating the procedures of the Council and other Colony agencies, organizations, or officers.

SEC. 2. Future Powers. The Council may exercise such further powers as may in the future be delegated to the Council by the members of the Colony, the Secretary of the Interior, or any other duly authorized officials or agencies of the State or Federal Government.

SEC. 3. Reserved Powers. Any rights or powers heretofore vested in the Indians of the Colony, but not expressly referred to in this constitution or in the bylaws shall not be abridged by this constitution or bylaws but may be exercised by the Council through the adoption of appropriate amendments to these documents.

SEC. 4. Manner of Review. Any ordinance or resolution which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Nevada Indian Agency, who shall, within ten days after receipt, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of receipt, rescind the said ordinance or resolution for any cause by notifying the Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution, he shall, within 10 days after its receipt, advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its receipt, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII — REFERENDUM, INITIATIVE AND RECALL

SECTION 1. Referendum. The Council shall, upon receipt of a petition signed by one-third of the eligible voters of the Colony, submit any enacted or proposed tribal legislation to a referendum of the eligible voters. The decision of a majority of the voters voting in the referendum shall be binding on the Council. The Council shall call the referendum within thirty (30) days from the date of the receipt of a valid petition, and shall prescribe the manner in which it is to be conducted.

SEC. 2. Initiative. The adult members of the Colony reserve the power to indepen-

dently propose tribal legislation. Any proposed initiative measure shall be presented to the Council accompanied by a petition signed by not less than one-third of the eligible voters of the Colony. Upon receipt of such a petition, the Council shall call a special election for the purpose of allowing the members of the Colony to vote on the initiative measure. The election shall be held within thirty (30) days from the date a valid petition is presented and shall be conducted in the manner prescribed by the Council. The decision of a majority of the voters voting in such an election shall be binding on the Council.

SEC. 3. Recall. Upon receipt of a petition signed by at least one-third of the eligible Colony voters demanding a recall of any member of the Council, it shall be the duty of the Council to call a special election on the question of the recall within thirty (30) days from the date of the filing of the valid petition. The election shall be held in the manner prescribed by the Council, but no Council member shall be recalled unless a majority of the voters voting in an election vote in favor of the recall.

ARTICLE VIII — BILL OF RIGHTS

All members of the Ely Indian Colony shall have equal rights, equal protection, and equal opportunity to participate in the economic resources, tribal assets, and activities of the Colony. No member shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion, speech, and conscience; and the right to petition for action on the redress of grievances, and due process of law.

ARTICLE IX — AMENDMENTS

SECTION 1. Amendments to this constitution and the attached bylaws may be ratified in the same manner as the initial ratification and approved as specified in Article III of the attached bylaws.

SEC. 2. Upon receipt of a petition signed by one-third of the adult members of the Colony, or upon receipt of a resolution adopted by a majority vote of the members of the Council, the Secretary of the Interior shall call a special election for the purpose of voting on any proposed amendment to this constitution or the bylaws. If ratified, an amendment shall become effective upon approval by the Secretary of the Interior.

BY-LAWS OF THE ELY INDIAN COLONY

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all its meetings, and shall be entitled to vote upon all matters. He shall perform all duties of a Chairman and exercise any authority delegated to him by the Council.

SEC. 2. The Vice-Chairman of the Council shall assist the Chairman when called upon so to do, and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges, and duties, as well as responsibilities of the Chairman.

SEC. 3. The Secretary-Treasurer of the Council shall conduct all tribal correspondence and keep a complete and accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the Nevada Indian Agency copies of all minutes of all regular and special meetings of the Council. It shall be his duty to accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council. He shall deposit all such funds in such banks or elsewhere, as directed by the Council. He shall not pay out nor authorize disbursement of any funds in his possession or custody, or in the possession or custody of the Council, except when properly authorized so to do by majority vote of the Council.

The books and records of the Secretary-Treasurer shall be audited at least once each year by a competent auditor employed by the Council, or by a Federal employee appointed by the Superintendent of the Nevada Indian Agency.

The Secretary-Treasurer shall be required to give bond satisfactory to the Council and the Superintendent of the Nevada Indian Agency. The premium for such bond shall be paid from tribal funds.

SEC. 4. Appointive Officers. The duties of all appointive committees or officers of the Colony shall be clearly defined by the Council at the time of their creation or appointment. Such committees and officers shall report on their activities and decisions from time to time as required by the Council. Their actions and decisions shall be subject to review by the Council.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Council.

SEC. 6. Each member of the Council, and each officer or subordinate officer, elected or appointed under this constitution, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws.

Oath: "I _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of the Ely Indian Colony, in accordance with this Constitution and Bylaws."

SEC. 7. Regular meetings of the Council shall be held the second Tuesday of each month, or at such other times as the Council may by resolution provide, on a day to be determined by the Council.

SEC. 8. Special meetings may be called by a written notice signed by the Chairman, or a majority of the Council, and when so called the Council shall have power to transact business as in the regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of a majority of the Council membership.

SEC. 10. Order of Business:

- (a). Call to order by the Chairman.
- (b). Roll call.
- (c). Reading of minutes of last meeting.

- (d). Unfinished business.
- (e). Reports.
- (f). New business.
- (g). Adjournment.

ARTICLE II — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Colony shall be embodied in ordinances.

SEC. 2. All final decisions of the Council on matters of temporary interest (such as, action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior), or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees, or rules of order for the Council) shall be embodied in resolutions.

SEC. 3. All questions of procedure (such as, acceptance of committee reports, or invitations to outsiders to speak) shall be decided by action of the Council, or by the ruling of the Chairman, if no objection is heard. On all ordinances, resolutions, or motions the Council may act by a majority vote of those present.

ARTICLE III — ADOPTION

This Constitution and Bylaws, when adopted by a majority vote of the qualified voters of the Colony voting in a special election called by the Secretary of the Interior in which at least thirty (30) percent of the qualified voters vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of approval.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Assistant Secretary of the Interior on November 23, 1965, the attached Constitution and Bylaws of the Ely Indian Colony, was submitted to the qualified voters of the Colony and was on February 19, 1966, duly adopted by a vote of 21 for, and 5 against, in an election in which at least 30 percent of the 36 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

/s/ ROBERT S. HULL
Chairman, Election Board.

/s/ WILLIAM McQUEEN
Member, Election Board.

/s/ HAROLD J. COLLINS
Member, Election Board.

APPROVAL

I, Harry R. Anderson, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Ely Indian Colony.

Approval recommended: April 1, 1966

/s/ JAMES E. OFFICER
Associate Commissioner of Indian Affairs.

HARRY R. ANDERSON
Assistant Secretary of the Interior

[SEAL]

Washington, D. C.

Date: April 8, 1966.

CORPORATE CHARTER OF THE RENO-SPARKS INDIAN COLONY
OF THE STATE OF NEVADA

Ratified January 7, 1938

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Reno-Sparks Colony in the State of Nevada constitutes a recognized Indian tribe organized under a constitution and by-laws ratified by the members of the Reno-Sparks Indian Colony on December 16, 1935, and approved by the Secretary of the Interior on January 15, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Reno-Sparks Indian Colony have petitioned that a charter of incorporation be granted to the Colony, subject to ratification by a vote of the adult Indians living within the Colony;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Reno-Sparks Indian Colony to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living within the Colony at an election in which at least 30 percent of the eligible voters vote.

1. Corporate existence. In order to further the economic development of the Indians of the Reno-Sparks Indian Colony in the State of Nevada by conferring upon the said Colony certain corporate rights, powers, privileges and immunities; to secure for the members of the Colony an assured economic independence; and to provide for the proper exercise by the Colony of various functions heretofore performed by the Department of the Interior, the aforesaid Colony is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Reno-Sparks Indian Colony".

2. Perpetual succession. The Reno-Sparks Indian Colony shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Reno-Sparks Indian Colony shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Colony, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Reno-Sparks Indian Council established in accordance with the said constitution and by-laws of the Reno-Sparks Indian Colony, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate powers. The Colony, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Reno-Sparks Indian colony, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Constitution and By-laws of the Colony:

- (a). To adopt, use, and alter at its pleasure a corporate seal.
- (b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:
- (1). No sale nor mortgage may be made by the Colony of any land or interests in land, including mineral rights, now or hereafter held by the Reno-Sparks Indian Colony within the boundaries of the Colony.
 - (2). No leases or permits (which terms shall not include land assignments to members of the Colony) covering any land or interests in land now or hereafter held by the Colony within the boundaries of the Reno-Sparks Indian Colony shall be made by the Colony for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
 - (3). No action shall be taken by or in behalf of the Colony which in any way operates to destroy or injure the Colony grazing lands or other natural resources of the Reno-Sparks Indian Colony. All leases or permits relating to the use of Colony grazing lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.
- (c). To borrow money from the Indian Credit Fund in accordance with the terms of section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Reno-Sparks Indian Colony, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Colony: Provided, That the amount of indebtedness to which the Colony may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$500, except with the express approval of the Secretary of the Interior.
- (d). To engage in any business that will further the economic well-being of the members of the Colony or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (e). To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of \$300 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (f). To pledge or assign chattels or future tribal income due or to become due

to the Colony: Provided, That no such assignment of tribal income, other than assignments to the United States, shall extend more than ten years from the date of execution nor amount for any one year to more than one-half of the net tribal income from any one source: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g). To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Reno-Sparks Indian Colony.

(h). To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Colony or by the United States to the levy of any judgment, lien or attachment upon the property of the Colony other than income or chattels specially pledged or assigned.

(i). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of supervisory powers. Upon request by the Reno-Sparks Indian Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (2), 5 (c), 5 (e), 5 (f), 5 (g), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Indians. The termination shall be effective upon ratification by a majority vote of the adult members of the Reno-Sparks Indian Colony, at an election in which at least 30 percent of the adult members of the Colony living within the Colony vote. If at any time after ten years from the date of ratification of this Charter such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Reno-Sparks Indian Council to popular referendum of the adult members actually living within the Colony, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate property. No property rights of the members of the Reno-Sparks Indian Colony shall be in any way impaired by anything contained in this Charter, and the ownership by the Colony of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Colony shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Colony shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate dividends. The Colony may issue to each member of the Reno-Sparks Colony a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Colony and may distribute per capita, among the recognized members of the Colony, all income of the Colony over and above sums necessary to defray corporate obligations to members of the Colony or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of Colony government, the needs of charity, or other corporate purpose. Any such distribution

of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Colony shall be distributed except as provided herein.

9. Corporate accounts. The officers of the Colony shall maintain accurate and complete public accounts of the financial affairs of the Colony, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Colony to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Reno-Sparks Indian Council, which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living within the Colony at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Reno-Sparks Indian Colony living within the Colony provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Reno-Sparks Indian Colony.

Submitted by the Assistant Secretary of the Interior for ratification by the Indians of the Reno-Sparks Indian Colony.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., November 23, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on November 23, 1937 by the Assistant Secretary of the Interior to the Reno-Sparks Indian Colony of the State of Nevada, was duly submitted for ratification to the adult Indians living on the reservation and was on January 7, 1938 duly ratified by a vote of 35 for, and 1 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

HARRY SAMPSON,
Chairman, Reno-Sparks Indian Colony.

CLEVELAND CYPHER,
Secretary, Reno-Sparks Indian Colony.

ALIDA C. BOWLER,
Superintendent, Carson Indian Agency.

CONSTITUTION AND BY-LAWS OF THE RENO-SPARKS INDIAN
COLONY OF NEVADA

Approved January 15, 1936

PREAMBLE

We, the members of the Reno-Sparks Indian Colony, in order to establish a legal colony organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create governing units through which we may properly assume our new responsibilities, do hereby ordain and establish this constitution and by-laws.

ARTICLE I — TERRITORY

The jurisdiction of the Reno-Sparks Indian Colony shall extend to all lands now comprised within the boundaries of the present colony site and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

The membership of the Reno-Sparks Indian Colony shall consist of all persons of Indian blood who have completed one year's continuous residence in the Reno-Sparks Colony. Such persons shall remain members of said colony until they shall lose membership by one year's continuous absence from colony residence, or until their membership shall have been cancelled under authority hereinafter provided.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body under this constitution shall be the Reno-Sparks Indian Council which shall be composed of six members who shall be chosen by secret ballot by the qualified voters of the Reno-Sparks Colony, each of the two districts electing three councilmen.

SEC. 2. The council is authorized to divide the colony into two districts by a line running east and west through the center of the community house.

SEC. 3. No person shall be a candidate for membership on the Reno-Sparks Indian Council unless he shall be a member of the Reno-Sparks Colony and shall have resided for a period of one year next preceding the election in the district of his candidacy.

SEC. 4. Each district shall have power to fill vacancies which may occur in the Indian council from the respective district.

SEC. 5. The Reno-Sparks Indian Council so organized shall elect from within its own members a chairman and a vice-chairman, and from within or without its own members a secretary and treasurer, and such other officers and committees as may be deemed necessary.

SEC. 6. Within 30 days after the ratification and approval of this constitution and by-laws, an election shall be called by the present Indian council for the purpose of electing the members of the new council.

SEC. 7. Members of the Reno-Sparks Indian Council shall be elected by secret ballot for a term of two years. After the first election under this constitution, elections shall be held by the qualified voters of the colony biennially on the third Saturday of December.

ARTICLE IV — POWERS OF THE COUNCIL

SECTION 1. The Reno-Sparks Indian Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws:

(a). To employ legal counsel, choice of counsel, and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(b). To prevent the sale, disposition, or encumbrance of any colony assets without the consent of the council.

(c). To negotiate with Federal, State, and local governments on behalf of the colony.

(d). To issue and revoke permits for use of home sites within the colony and to exclude from the Reno-Sparks Colony site persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.

(e). To manage all economic affairs and enterprises of the Reno-Sparks Indian Colony in accordance with the terms of a charter that may be issued to the Reno-Sparks Indian Colony by the Secretary of the Interior.

(f). To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior which would provide for assessments or license fees upon non-members doing business within the colony, or obtaining special rights or privileges, and similar ordinances may also be applied to members of the colony without their submission to the Secretary provided such ordinances have been approved by a referendum of the voters of the colony.

(g). To regulate the disposition and inheritance of home and property improvements made upon the colony site.

(h). To Promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Reno-Sparks Colony, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian court, and defining its duties and powers.

(i). To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Reno-Sparks Indian Colony, by regulating the conduct of trade and the use and disposition of the property of the colony, providing that any ordinance directly affecting the non-members of the colony shall be subject to review by the Secretary of the Interior.

(j). To regulate the domestic relations of members of the colony, subject to review

by the Secretary of the Interior.

(k). To create and maintain a colony fund by accepting grants or donations from any person, State, or the United States, and by community enterprises.

(l). To delegate to subordinate boards or to cooperative associations which are open to all members of the colony, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. The Reno-Sparks Indian Council may exercise such further powers, as may in the future be delegated to it by the Government, either by order of the Secretary of the Interior or by Congress.

SEC. 3. Any rights and powers heretofore vested in the members of the Reno-Sparks Indian Colony, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Reno-Sparks Indian Colony through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V — AMENDMENTS

SECTION 1. Amendments to the constitution and by-laws may be ratified and approved in the same manner as this constitution and by-laws shall be ratified and approved. It shall be the duty of the Secretary of the Interior to call an election upon the request of one-fourth (1/4) of the eligible voters of the colony.

BY-LAWS OF THE RENO-SPARKS INDIAN COLONY OF NEVADA

ARTICLE I — THE RENO-SPARKS INDIAN COUNCIL

SECTION 1. The chairman of the Reno-Sparks Indian Council shall preside over all meetings of the council, perform all duties of the chairman and exercise any authority detailed to him by the council.

SEC. 2. The vice-chairman shall assist the chairman when called on to do so, and in the absence of the chairman shall preside and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SEC. 3. The council secretary shall forward a copy of the minutes of all meetings to the superintendent in charge of the Carson Indian Agency.

SEC. 4. The duties of the treasurer of the Reno-Sparks Indian Council shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be funds of the Reno-Sparks Colony or special funds for which the council is acting trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the Reno-Sparks Indian Council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months, to the Reno-Sparks Indian Council in writing, or at any time he is requested to do so by the Reno-Sparks Indian Council.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the council.

SEC. 6. Each member of the council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties hereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

Oath: "I _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, that I will carry out, faithfully and impartially, the duties of my office to the best of my ability, that I will cooperate, promote, and protect the best interests of my colony, in accordance with its constitution and by-laws."

SEC. 7. Regular meetings of the council shall be held monthly on a day fixed by ordinance.

SEC. 8. Special meetings may be called by a written notice signed by the chairman or a majority of the council, and when so called the council shall have the power to transact business as in the regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds of the entire membership.

SEC. 10. Order of business:

- (a). Call to order by chairman.
- (b). Roll call.
- (c). Reading the minutes of last meeting.
- (d). Unfinished business.
- (e). Reports.
- (f). New business.
- (g). Adjournment.

SEC. 11. It shall be the duty of each member of the council to make reports to the district from which he was elected, concerning the proceedings of the council.

SEC. 12. The council may prescribe such salaries for officers or members of the council as it deems advisable, from such funds as may be available.

ARTICLE II — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the council on matters of general and permanent interest to the members of the colony shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the colony.

SEC. 2. All final decisions of the council on matters of temporary interest (such as action on the colony budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for colony employees, or rules of order for the council) shall be embodied in resolution. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the council or by the ruling of the chairman if no objection is heard. In all ordinances, resolutions or motions the council may act by majority vote.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BY-LAWS

This constitution and by-laws attached hereto shall be in full force and effect whenever a majority of the adult voters of the Indians of the Reno-Sparks Indian Colony voting at an election called by the Secretary of the Interior in which at least thirty (30) percent of the eligible voters shall vote, shall have ratified such constitution and by-laws, and the Secretary of the Interior shall have approved same, as provided in the act of June 18, 1934, as amended by the act of June 15, 1935.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 14, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Reno-Sparks Indian Colony and was on December 16, 1935, duly approved by a vote of 51 for, and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Public, No. 147, 74th Cong.).

HARRY SAMPSON,
Chairman of the Election Board.

WILLIE TONDY,
Secretary of the Election Board.

ALIDA C. BOWLER,
Superintendent in charge of the reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Reno-Sparks Indian Colony. All rules and regulations heretofore promulgated by the Interior

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Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to these Indians. All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C. January 15, 1935.

CORPORATE CHARTER OF THE WASHOE TRIBE OF THE STATES
OF NEVADA AND CALIFORNIA

Ratified February 27, 1937

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Washoe Tribe in the States of Nevada and California constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Washoe Tribe on December 16, 1935, and approved by the Secretary of the Interior on January 24, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living within the territory of the Tribe;

Now, therefore, I, Charles West, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Washoe Tribe of Nevada and California to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living within the Dresslerville Indian Colony, comprising the territory of the Tribe, at an election in which at least 30 per cent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Washoe Tribe in the States of Nevada and California by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Washoe Tribe."

2. Perpetual Succession. The Washoe Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Washoe Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Washoe Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

- (a). To adopt, use, and alter at its pleasure a corporate seal.
- (b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:
- (1). No sale or mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe.
 - (2). No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
 - (3). No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Tribe. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.
- (c). To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$2,000, except with the express approval of the Secretary of the Interior.
- (e). To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.
- (f). To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of \$200 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

- (g). To pledge chattels or assign future tribal income due or to become due to the tribe: Provided, That any such agreement assigning future income shall not extend more than two years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income in the preceding year: And provided further, That any such agreement of pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (h). To deposit corporate funds, from whatever source derived, in any national or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.
- (i). To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.
- (j). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Washoe Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing within the territory of the Tribe, at an election in which at least 30 percent of the eligible voters vote. If, at any time after ten years from the date of approval of this charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the Territory of the Tribe, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Washoe Tribe shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute percapita among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the

needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living within the territory of the Tribe at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Washoe Tribe living within the Dresslerville Indian Colony, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Indian Agency and the Chairman and Secretary of the Washoe Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Washoe Tribe in a popular referendum to be held on February 27, 1937.

CHARLES WEST,
Acting Secretary of the Interior,

[SEAL]

Washington, D.C., February 24, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984) this charter, issued on February 24, 1937, by the Secretary of the Interior to the Washoe Tribe of the States of Nevada and California, was duly submitted for ratification to the adult Indians living on the Dresslerville Indian Colony and was on February 27, 1937, duly passed by a vote of 53 for, and 0 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

RAYMOND FILLMORE,
Chairman of the Tribal Council.

ROMA JAMES,
Secretary of the Tribal Council.

R.C. BOCZKIEWICZ,
Acting Superintendent in charge of the Reservation.

AMENDED CONSTITUTION AND BY-LAWS OF THE WASHOE
TRIBE OF NEVADA AND CALIFORNIA

Approved June 20, 1966

PREAMBLE

We, the members of the Washoe Tribe of Nevada and California, in order to establish our tribal organization, to develop our community resources, to administer justice, and to promote the economic and social welfare of ourselves and our descendants, do hereby ordain and establish this amended constitution and bylaws as a guide for the deliberations of our council in its administration of tribal affairs.

ARTICLE I — JURISDICTION

SECTION 1. The territorial jurisdiction of the Washoe Tribe of Nevada and California, hereinafter referred to as the Washoe Tribe, shall extend to all tribally held lands including the Dresslerville Indian Colony, the Carson Indian Colony, and the lands known as the Washoe Ranches, all of which are more particularly described in the official records of Ormsby and Douglas Counties, Nevada. Territorial jurisdiction shall also extend to all lands hereafter acquired by or for the Washoe Tribe.

(a). The Dresslerville Indian Colony encompasses that 40 acres described as the SE 1/4 SE 1/4 Sec. 15, T. 12N., R. 20E., MDM, Douglas County, Nevada; and in addition, that portion of the NW 1/4 NW 1/4 Sec. 23, T. 12N., R. 20E., MDM, Douglas County, Nevada, lying westerly and southerly of the east fork of the Carson River and embracing a portion of the Heidtman Purchase.

(b). The Carson Indian Colony encompasses those tracts of land in Ormsby County which, when purchased, were known as the Blackie Ranch and the Little Ranch.

(c). The Washoe Ranches consist of those lands included in the Faletti Purchase, the Judd Purchase, and the Heidtman Purchase, excluding any portion specifically cited in (a) above.

SEC. 2. No territorial jurisdiction shall be exercised by the Washoe Tribe over the Washoe tribal land interests within the Reno-Sparks Indian Colony.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Washoe Tribe shall consist of all persons of at least one-fourth (1/4) degree Washoe Indian blood.

SEC. 2. The Washoe Tribal Council shall have the power, by an affirmative vote of two thirds (2/3), to adopt any person as an honorary member of the tribe, provided: That such honorary membership shall not entitle any such person to share in the distribution of any assets derived from tribal resources; hold an elective office with the tribe; or have tribal voting privileges.

SEC. 3. The Washoe Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing enrollment procedures,

loss of membership, and the adoption of honorary members.

SEC. 4. Members of the Washoe Tribe who reside in or on any of the recognized Washoe communities or colonies represented on the Washoe Tribal Council shall be permitted to be enrolled as residents of these communities or colonies. As enrollees they may receive the benefits and privileges that accompany such enrollment without losing their membership eligibility with the Washoe Tribe or forfeiting any rights they may be entitled to as members of the Washoe Tribe.

SEC. 5. No person enrolled with, affiliated with, or recognized as a member of another Indian tribe or group (with the exception of the groups represented on the Washoe Tribal Council) shall be eligible for membership in the Washoe Tribe.

ARTICLE III — GOVERNING BODY

SECTION 1. The supreme governing body of the Washoe Tribe shall consist of a council known as the Washoe Tribal Council. This council shall be composed of nine council members, including a Chairman and a Vice-Chairman elected by the council members from within the council membership, and a Secretary-Treasurer chosen from within or outside the council but within the tribal membership. All nine Washoe tribal council members shall be enrolled members of the Washoe Tribe, 21 years of age or older.

SEC. 2. The Washoe communities of Carson Colony, Dresslerville Colony, and Woodfords shall elect local governing bodies which shall be known as community councils. The community councils shall be composed of a maximum of five (5) persons. Community council members shall be elected from and by enrolled members of the Washoe Tribe who are at least 21 years of age and are residents of the community or colony where they vote or where they serve.

SEC. 3. Within 30 days after the election of the community councils, three (3) members of the Dresslerville Community Council, two (2) members of the Carson Community Council, and two (2) members of the Woodfords Community Council shall be selected by their respective local council to serve on the Washoe Tribal Council. The Washoe tribal members residing on the Reno-Sparks Indian Colony shall elect one (1) person from among their adult residents to serve on the Washoe Tribal Council. The ninth member of the Washoe Tribal Council shall be an adult member of the Washoe Tribe who is not a resident of one of the communities or colonies. He or she shall be elected by all the members of the Washoe Tribe voting in the election.

SEC. 4. All Washoe Tribal Council members, as well as all community council members, shall hold office for a term of four years or until successors have been elected and seated.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first general election of all council members under this amended constitution shall be held within sixty (60) days from the date of the constitution's approval. The election shall be conducted under the direction of an Election Board appointed by the existing Washoe Tribal Council and in accordance with rules prescribed by the Election Board.

SEC. 2. In ensuing elections, all council members shall be elected on the same election day held every fourth year on the third Saturday in October. The election

shall be called, conducted, and certified in accordance with an election ordinance enacted by the Washoe Tribal Council.

SEC. 3. All members of the Washoe Tribe, 21 years of age and older, shall be eligible to vote.

SEC. 4. Voting shall be by secret ballot.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Washoe tribal councilman or tribal officer shall die, resign from the Washoe Tribal Council or tribal membership, be removed from office by the Washoe Tribal Council or be recalled as provided in Article IX, the Washoe Tribal Council shall declare the office vacant. If the office is vacated by a representative of one of the community councils, that community council shall appoint a successor to fill the unexpired term. If the Reno-Sparks Colony representative's seat shall become vacant, the Washoe residents of that Colony shall appoint a new representative to fill the unexpired term. In the case of the "non-affiliated" representative, or a tribal officer not in one of the above categories, the Washoe Tribal Council shall appoint the successor. All vacancies shall be filled within 30 days from the date they are vacated.

SEC. 2. Any Washoe Tribal Council member or tribal officer may be expelled from office by a two-thirds vote of the Washoe Tribal Council members if, in their opinion, he is guilty of improper conduct or gross neglect of duty; provided, that the accused is given full opportunity to reply to any and all charges at a designated Washoe Tribal Council meeting, and provided further, that the accused shall have been given a written statement of the charges against him at least five days before the meeting set for his hearing.

ARTICLE VI — POWERS AND DUTIES OF THE WASHOE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Washoe Tribal Council shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States.

(a). To negotiate with the Federal, State, and local governments, and to execute contracts and agreements with these and other associations, corporations, or individuals.

(b). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c). To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d). To consult with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Washoe Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e). To manage all economic affairs and enterprises of the Washoe Tribe.

(f). To promulgate and enforce ordinances, which shall be subject to review

by the Secretary of the Interior, governing the conduct of members of the Washoe Tribe; providing for the manner of making, holding, and revoking assignments of tribal land or interests therein; governing enrollment procedures, loss of membership, and the adoption of members; providing for the levying of taxes and fees; providing for the licensing of non-members coming upon tribal land for the purpose of hunting, fishing, trading, or other business; and for the exclusion from tribal lands of persons not so licensed; and establishing proper agencies for law enforcement on tribal lands.

(g). To create and regulate subordinate organizations for economic and public purposes and to delegate to such organizations, or to any subordinate boards, officials of the tribe, or to the community councils, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h). To adopt resolutions not inconsistent with this constitution and bylaws, regulating the procedure of the Washoe Tribal Council itself and of other tribal agencies, tribal officers, or tribal organizations of the Washoe Tribe of Indians, and exercising such duties as are conferred upon the Washoe Tribal Council by the attached bylaws.

(i). To prepare an annual budget and appropriate available tribal funds for public purposes, subject to the approval of the Secretary of the Interior. Thirty (30) days prior to the Washoe Tribal Council's submission of the tribe's annual budget, the community councils shall submit their proposed budgets to the Washoe Tribal Council for review.

SEC. 2. Future Powers. The Washoe Tribal Council may exercise such further powers as may in the future be delegated to the Washoe Tribal Council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Washoe Tribe but not expressly referred to in this constitution shall not be abridged, but may be exercised by the people of the Washoe Tribe through the adoption of appropriate constitutional amendments.

SEC. 4. Manner of Review. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt, rescind the said ordinance or resolution for any cause by notifying the Washoe Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him he shall advise the Washoe Tribal Council of his reasons therefor. If these reasons appear to the Washoe Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII — POWERS OF THE COMMUNITY COUNCILS

SECTION 1. Through the adoption of Articles of Association approved by the Washoe Tribal Council, the community councils established at Woodfords, the Dresslerville Colony, and the Carson Colony shall make every effort to improve the welfare and protect the interests of the residents of their respective communities.

SEC. 2. All powers not now or in the future expressly reserved for or delegated to the Washoe Tribal Council may be exercised by the community councils in accordance with their Articles of Association and this constitution, and subject to all limitations imposed by the Statutes and Constitution of the United States; provided: That the Washoe Tribal Council reserves the right to veto an action of the community councils which, in the opinion of the Washoe Tribal Council, is not in the best interest of the local residents or the Washoe Tribal membership as a whole, and provided further: That such veto action must be taken within 60 days from the date of the community council's action.

ARTICLE VIII — TRIBAL LANDS

SECTION 1. Allotted lands, including heirship lands, held in trust by the United States for members of the Washoe Tribe, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may with approval of the Secretary of the Interior, voluntarily convey his land to the Washoe Tribe, either in exchange for a money payment or in exchange for standard assignment covering the same or other land, as hereinafter provided.

SEC. 2. The unallotted lands of the Washoe Tribe of Indians and lands which may hereafter be acquired by the Washoe Tribe of Indians or by the United States in trust for the Washoe Tribe of Indians shall be held as tribal lands. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Washoe Tribe, or leased, exchanged for other lands of equal value, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Tribal lands may be leased by the Washoe Tribal Council with the approval of the Secretary of the Interior, for such periods of time as are permitted by law. The following provisions shall govern:

(a). In the leasing of tribal lands, preference shall be given first to Indian cooperative associations, and secondly, to individual Indians who are members of the Washoe Tribe.

(b). Non-members enjoying tenure on Washoe tribal lands on the date of approval of this amended constitution shall be given the opportunity to lease the land they presently occupy and use, in accordance with the regulations established by the Secretary of the Interior; provided, that these provisions shall not affect existing approved lease contracts.

Persons in this category who do not choose to lease the tribal land will be given 120 days from the date of notification by the Washoe Tribal Council to remove all improvements. At the end of the 120 day period any improvements not removed will become tribal property.

(c). With the exception of those persons provided for in (b) above, no lease of tribal land to non-members shall be made by the Washoe Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use. The Washoe Tribal Council, in considering any such lease of tribal land upon a Washoe Colony, shall consider the recommendations of the respective community councils.

(d). Grazing permits covering tribal land may be issued by the Washoe Tribal Council, with the approval of the Secretary of the Interior, in accordance with the Secretary's Rules and Regulations.

SEC. 4. In any assignment of tribal lands preference shall be given first to members of the tribe who are heads of families and are entirely landless, and, secondly, to heads of families who have received assignments consisting of less than an economic or useable unit.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Washoe Indians, and shall be known as Standard Assignments.

SEC. 5. If any members of the tribe holding a Standard Assignment of land shall, for a period of one year, fail to use the land so assigned, the assignment may be cancelled by the Washoe Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this Article.

Upon the death of any Indian holding a Standard Assignment, his heirs or other individuals designated by him, by will or by written request, shall have preference in the reassignment of the land, provided such persons are members of the Washoe Tribe who would be eligible to receive a Standard Assignment, except that where the heirs include minors who are eligible for membership in the Washoe Tribe, a surviving parent or guardian, regardless of whether or not they themselves are eligible for membership, may receive the assignment on behalf of the minors.

SEC. 6. All applications for assignment of tribal land shall be filed with the Secretary of the Washoe Tribal Council. Applications from residents of Woodfords, the Dresslerville Colony, and the Carson Colony shall be accompanied by a written recommendation from the respective community councils. All applications shall be filed and processed in accordance with an assignment ordinance enacted by the Washoe Tribal Council and reviewed by the Secretary of the Interior.

ARTICLE IX — REFERENDUM, INITIATIVE AND RECALL

SECTION 1. Referendum. The Washoe Tribal Council shall, upon receipt of a petition signed by at least 150 eligible voters of the Washoe Tribe, submit any enacted or proposed ordinance or resolution to a referendum of the eligible voters. The decision of a majority of the voters voting in the referendum shall be binding on the Washoe Tribal Council; provided, that at least 30% of those entitled to vote shall vote in the referendum. The Washoe Tribal Council shall call and hold the referendum within 30 days from the date of receipt of a valid petition; and shall prescribe the manner in which it is to be conducted.

SEC. 2. Initiative. The members of the Washoe Tribe reserve the power to propose tribal legislation. Any proposed initiative measure shall be presented to the Washoe

Tribal Council accompanied by a petition signed by not less than 150 eligible voters of the Washoe Tribe. Upon receipt of such petition, the Washoe Tribal Council shall within 30 days thereafter call and hold a special vote on the initiative measure. The decision of a majority of the voters voting in such election shall be binding on the Washoe Tribal Council, provided that at least 30% of those entitled to vote shall vote in the referendum.

SEC. 3. Recall. (a). A member of the Washoe Tribal Council who is representing Woodfords, the Dresslerville Colony, or the Carson Colony may be recalled from the Washoe Tribal Council by the residents of his or her respective colony or community, or by a majority vote of the members of his community council. The residents of those communities or colonies may recall one or all of their Washoe Tribal Council representatives by presenting a petition, signed by a majority of the eligible voters of the colony or community, to the community council. This petition shall state the complaint against their representative and shall ask for his or her recall from office. Upon receipt of a valid petition, the community council shall act to recall the accused. A person recalled from the Washoe Tribal Council is not by this action automatically recalled from his seat on the community council.

(b). The Washoe Tribal Council member representing the Reno-Sparks Colony may be recalled by the eligible voters of the tribe who are residents of the Reno-Sparks Colony. They may accomplish a recall by requesting recall action from the Washoe Tribal Council in a petition signed by a majority of the eligible Washoe voting residents.

(c). The "non-affiliated" representative on the Washoe Tribal Council may be recalled from office by a majority of the eligible voters of the Washoe Tribe who vote in a special election called for this purpose by the Washoe Tribal Council. The Washoe Tribal Council shall call this election upon receipt of a petition, signed by 150 eligible voters of the Washoe Tribe, stating the complaint against this representative and requesting the special election.

ARTICLE X — AMENDMENTS

SECTION 1. This amended constitution and bylaws may be further amended by a majority of the qualified voters of the Washoe Tribe voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election. No amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by at least twenty-five (25) percent of the eligible voters of the Washoe Tribe, or upon receipt of a request for an election signed by two-thirds of the Washoe Tribal Council.

ARTICLE XI — BILL OF RIGHTS

All members of the Washoe Tribe shall have equal rights, equal protection, and equal opportunity to participate in the economic resources, tribal assets, and activities of the Washoe Tribe. No members of the Washoe Tribe shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion, speech, and conscience; and the right to orderly association or assembly; the right to petition for action on the redress of grievances; and due process of law.

BYLAWS

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Washoe Tribal Council shall preside over all meetings of the Washoe Tribal Council, perform all duties of the Chairman, and exercise any authority delegated to him.

SEC. 2. The Vice-Chairman shall assist the Chairman when called on to do so, and in the absence of the Chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

SEC. 3. As Washoe Tribal Council Secretary the Secretary-Treasurer shall forward a copy of the minutes of all meetings to the Superintendent in charge of the Nevada Agency. As Treasurer of the Washoe Tribal Council, the duties of the Secretary-Treasurer shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Washoe Tribal Council, whether same be tribal funds or special funds for which the Washoe Tribal Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the Washoe Tribal Council, and he shall keep an accurate record, filing same in the Washoe Tribal Council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months to the Washoe Tribal Council in writing, or at any time he is requested to do so by the Washoe Tribal Council. He shall be appropriately bonded at tribal expense.

ARTICLE II — SEATING OF COUNCIL MEMBERS

SECTION 1. Those persons selected pursuant to Article III of the constitution to serve on the Washoe Tribal Council shall be installed at the first regular meeting of the Washoe Tribal Council following their election.

SEC. 2. Each member of the Washoe Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and the Constitution and Bylaws of the Washoe Tribe of Nevada and California.

Oath: "I _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my tribe, in accordance with the Constitution and Bylaws of the Washoe Tribe of Nevada and California."

ARTICLE III — MEETINGS

SECTION 1. Regular meetings of the Washoe Tribal Council shall be held on the second Friday, or, in case of a holiday, on the third Friday of every month.

SEC. 2. Special meetings may be called by a written notice signed by the Chairman or a majority of the Washoe Tribal Council, and when so called, the Washoe Tribal Council shall have power to transact business as in the regular meetings.

ARTICLE IV -- QUORUM

SECTION 1. No business shall be transacted by the Washoe Tribal Council unless a quorum of seven (7) council members is present. Should both the Chairman and Vice-Chairman be absent, a temporary chairman shall be appointed from among the councilmen present.

ARTICLE V -- ORDER OF BUSINESS

SECTION 1. Order of business.

- (a). Call to order.
- (b). Roll call.
- (c). Reading the minutes of last meeting.
- (d). Unfinished business.
- (e). Reports.
- (f). New Business.
- (g). Adjournment.

ARTICLE VI -- SALARIES AND EXPENSES

SECTION 1. The Washoe Tribal Council may prescribe such salaries and expenses for officers or members of the Washoe Tribal Council as it deems advisable, from such funds as may be available.

ARTICLE VII -- ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Washoe Tribal Council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances.

SEC. 2. All final decisions of the Washoe Tribal Council on matters of temporary interest or relating especially to particular individuals or officials, shall be embodied in resolutions. All Washoe Tribal Council legislation, minutes of Washoe Tribal Council meetings, and tribal financial records shall be open to inspection by any member of the Washoe Tribe, at such times as found convenient to the council.

SEC. 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the Washoe Tribal Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions, or motions, the Washoe Tribal Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 4. Every resolution shall begin with the words: "Be it resolved by the Washoe Tribal Council."

SEC. 5. Every ordinance or resolution shall contain the authority (statute, tribal constitution, etc.) for the Washoe Tribal Council's legislative action.

ARTICLE VIII -- ADOPTION

This Amended Constitution and Bylaws shall be in full force and effect whenever a majority of the adult voters of the Washoe Tribe of Indians voting in an election called by the Secretary of the Interior, in which at least thirty (30) percent of the

eligible voters shall vote, shall have ratified such constitution and bylaws, and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

Amended Constitution and Bylaws adopted by the tribal voters at an election held May 14, 1966.

Document approved by Assistant Secretary of the Interior on June 20, 1966.

CONSTITUTION AND BY-LAWS OF THE COEUR

D'ALENE TRIBE OF IDAHO

Approved August 8, 1947
Amended

PREAMBLE

We, the Indians of the Coeur d'Alene Reservation in Idaho, in order to build an independent and honorable life, and to promote the common welfare of the Tribe, do hereby ordain and establish this Constitution and By-Laws.

ARTICLE I — TERRITORY

This tribal organization, to be known as the Coeur d'Alene Tribe, shall include all the trust and tribal lands within the original confines of the Coeur d'Alene Reservation as established by Executive Orders of June 14, 1867, and November 8, 1873, and shall extend to such other lands as may be hereafter added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Coeur d'Alene Tribe shall consist as follows of:

- (a). All Indians whose names appear on the official census roll of the Coeur d'Alene Tribe as of July 1, 1940; Provided, that corrections may be made in the said roll by the Tribal Council within five years from the adoption and approval of this constitution, subject to the approval of the Secretary of the Interior or his authorized representative.
- (b). All children of one-fourth or more Indian blood born subsequent to July 1, 1940, to any member of the Tribe maintaining tribal affiliations at the time of the birth of such children.

SEC. 2. The Tribal Council shall have power to promulgate ordinances, subject to the approval of the Secretary of the Interior or his authorized representative, governing future membership, provided that no individual of less than one-fourth Indian blood shall be admitted to membership hereafter.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Coeur d'Alene Tribe shall be a Tribal Council consisting of seven members duly elected to serve three years.

SEC. 2. The Tribal Council shall elect from its membership (1) a chairman, (2) a vice-chairman, (3) a secretary-treasurer, and may appoint or employ such other officers and committees as may be deemed necessary.

SEC. 3. No person shall be eligible for election to the Tribal Council unless he shall be a member of the Coeur d'Alene Tribe and shall have resided within the

boundaries of the reservation for a period of one year next preceding his election and be at least 21 years of age.

SEC. 4. The Tribal Council shall be the sole judge of the qualifications of its members.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The candidates for membership in the Tribal Council shall be elected by popular vote at a meeting of the tribe on the first Saturday in May of each year.

SEC. 2. The first election of the Tribal Council hereunder shall be called and supervised by the Superintendent of the Northern Idaho Agency and the present Council within sixty days after approval of this Constitution by the Commissioner of Indian Affairs.

SEC. 3. At the first election, the three candidates receiving the highest number of votes shall hold office for three years. The two candidates receiving the next highest number of votes shall hold office for two years. The two candidates receiving the next highest number of votes shall hold office for one year. Thereafter, elections for the Tribal Council shall be held each year for two members of the Tribal Council except every third year when three shall be elected. After the first election, members of the Tribal Council shall be elected to serve for a term of three years, or until their successors are duly elected and qualified.

SEC. 4. All elections except the first shall be held in accordance with rules laid down by the Tribal Council.

SEC. 5. The time and place of voting shall be designated by the Tribal Council, and they shall certify to the election of the members of the Council within five days after said election.

SEC. 6. Any enrolled member of the Coeur d'Alene Tribe who is twenty-one (21) years of age or over shall be entitled to vote.

ARTICLE V — INSTALLATION OF COUNCILMEN

SECTION 1. Each member of the Tribal Council and each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof.

ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman should die, resign, be removed from office, permanently leave the reservation, or be convicted of a felony, the Tribal Council shall declare the position vacant and appoint a successor to serve until the next general election.

SEC. 2. The Tribal Council may, by a majority vote of the total membership of the Council, expel or suspend any of its members for neglect of duty or gross misconduct. Before any vote for expulsion is taken, such member or officer shall be given a written statement of the charges against him at least five days before the meeting of the Council before which he is to appear, and he shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final.

ARTICLE VII — POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council shall have the following powers subject to any limitations imposed by the Statutes or the Constitution of the United States:

- (a). To represent the Tribe and negotiate with outside agencies and persons;
- (b). To administer all tribal property by ordinances subject to the approval of the Commissioner of Indian Affairs;
- (c). To borrow money, subject to the approval of the Commissioner of Indian Affairs, from the Indian credit fund or from any other governmental agency, and to pledge or assign future tribal income as security for such loans;
- (d). To promulgate and enforce ordinances which shall be subject to the approval of the Secretary of the Interior or his duly authorized representative governing the conduct of the members of the Tribe; to establish a reservation court and to adopt a suitable code for the maintenance of law and order which shall be subject to the approval of the Secretary of the Interior or his duly authorized representative;
- (e). To levy license fees and taxes upon members through the adoption of ordinances that shall be subject to the approval of the Commissioner of Indian Affairs provided that any such ordinances shall not apply to members of the Tribe until approved by popular referendum;
- (f). To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon under ordinances which shall be subject to the approval of the Secretary of the Interior or his duly authorized representative;
- (g). To employ legal counsel, the choice of attorney and the fixing of attorney fees to be approved by the Secretary of the Interior or his duly authorized representative.

ARTICLE VIII — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified members of the Tribe who vote at an election called for that purpose by the Commissioner of Indian Affairs.

It shall be the duty of the Commissioner of Indian Affairs to call an election of any proposed amendment at the request of the majority of the Council, or upon presentation of a petition signed by at least thirty percent of the qualified voters of the Tribe, but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs.

BY-LAWS OF THE COEUR D'ALENE TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman. The Chairman of the Tribal Council shall preside over all meetings of the Council and of the Tribe. He shall perform all duties of a chairman. He shall vote only in the case of a tie.

SEC. 2. Vice-Chairman. The Vice-chairman of the Tribal Council shall perform the duties of the Chairman in the absence of the Chairman.

SEC. 3. Secretary-Treasurer. The Secretary-Treasurer of the Tribal Council shall conduct all correspondence and keep a complete record of all matters transacted at council and tribal meetings. He shall account for all Council and tribal funds coming into his custody and shall furnish a bond acceptable to the Tribal Council and the Commissioner of Indian Affairs. Disbursements of such funds shall be covered by warrants approved by the Tribal Council.

ARTICLE II — MEETINGS AND PROCEDURE

SECTION 1. Regular Meetings. Regular meetings of the Tribal Council shall be held quarterly in the months of January, April, July, and October on a day designated by the Chairman.

SEC. 2. Special Meetings. Special meetings of the Tribal Council may be called by the Chairman or by petition signed by a majority of the Council members.

SEC. 3. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) Council members.

SEC. 4. Compensation. The Tribal Council may prescribe such compensation for officers, members and committees of the Council as it deems advisable from such funds as may be available.

ARTICLE III — RATIFICATION

This Constitution and By-laws shall become effective upon ratification, by a majority of the adult members of the Coeur d'Alene Tribe of Indians voting, at an election authorized for that purpose by the Commissioner of Indian Affairs.

CERTIFICATION OF ADOPTION

Pursuant to an order approved on May 6, 1947, by the Acting Commissioner of Indian Affairs, the attached Constitution and By-laws was duly submitted to the adult voters of the Coeur d'Alene Tribe, Idaho, for ratification, and was on June 5, 1947, duly ratified by a vote of 60 for, and 4 against.

PASCHAL J. GEORGE
Chairman, Tribal Council

LENA LOUIE
Secretary, Tribal Council

ARCHIE PHINNEY
Superintendent, Northern Idaho Agency

APPROVAL

This Constitution and By-laws, having been proposed and duly ratified by the members of the Coeur d'Alene Tribe of Idaho on June 5, 1947, at a referendum called by the Acting Commissioner of Indian Affairs, is herewith approved.

WILLIAM ZIMMERMAN, JR.
Acting Commissioner of Indian Affairs.

Chicago, Illinois, August 8, 1947.

AMENDMENT I

By amending Section 1, sub-section (a), Article II of the Constitution so that it will read as follows:

SECTION 1. The membership of the Coeur d'Alene Tribe shall consist as follows of:

(a). All Indians whose names appear on the official census roll of the Coeur d'Alene tribe as of July 1, 1940; Provided, that corrections may be made in said roll by the Tribal Council until January 1, 1962, subject to the approval of the Secretary of the Interior or his authorized representative. Applications for corrections of said roll must be filed with the Secretary of the Coeur d'Alene Tribal Council on or before July 1, 1961.

AMENDMENT II

By amending Article II, Section 1, sub-section (b) of said Constitution so that it will read as follows:

SECTION 1. The membership of the Coeur d'Alene Tribe shall consist as follows of:

(b). All children of one-fourth or more Indian blood born subsequent to July 1, 1940, to any member of the tribe.

APPROVAL

I, H. Rex Lee, Deputy Commissioner of Indian Affairs, United States Department of the Interior, pursuant to the authority provided in Article VIII of the Constitution and Bylaws of the Coeur d'Alene Tribe, having satisfied myself that Amendment I, and Amendment II to the Coeur d'Alene Constitution were accepted by the members of the Coeur d'Alene Tribe at a duly called election on November 26, 1960, by a vote of 107 for and 68 against and 101 for and 74 against respectively, do hereby approve the attached Amendment I and Amendment II, and the Constitution and Bylaws of the Coeur d'Alene Tribe as approved on August 8, 1947, is amended accordingly.

H. REX LEE
(Deputy) Commissioner of Indian Affairs

Feb. 3, 1961
Washington, D. C.

ADOPTION ORDINANCE

Be it enacted, by the Coeur d'Alene Tribal Council, in a meeting held at the Coeur d'Alene Sub-Agency, Plummer, Idaho, on December 17, 1952, that any person who desires to be adopted as a member of the Coeur d'Alene Tribe of Indians of the Coeur d'Alene Indian Reservation, State of Idaho, shall make written application to the Coeur d'Alene Tribal Council through a Committee on Membership which is established by Section (a) of this Ordinance.

- (a). A temporary membership committee consisting of three members shall be appointed or selected by the Coeur d'Alene Tribal Council as the situation arises, whose duties it shall be to consider and pass upon all applications for membership presented to the Council, and shall conduct all investigations of tribal status; degree of blood, and other characteristics of the applicants as it shall deem necessary in determining whether the applicants shall be adopted as members of the tribe.
- (b). No person may be considered for adoption into the Coeur d'Alene Indian Tribe unless he or she shall be at least eighteen years of age and at least one-quarter degree of Indian blood, and must have maintained residence within the Coeur d'Alene Reservation for a period of eighteen years immediately prior to the filing of the application for adoption; provided however, that applicant's absence from the Reservation for any period in excess of five consecutive years during the aforesaid eighteen-year residence requirement shall be a bar to adoption; provided further, that bonafide absence for purposes of attending school or service in the Armed Forces shall not be deemed as absence from the Reservation.
- (c). No person may be adopted into the Coeur d'Alene Tribe unless he or she signs a written statement relinquishing membership and all interest which he or she may have in tribal property or assets of any other tribe or reservation.

- (d).Persons recommended by the Committee for Adoption shall not become members of the tribe unless approved by two-thirds majority vote of the Coeur d'Alene Tribal Council meeting in regular session.
- (e).Persons adopted into the Tribe by the Tribal Council shall be enrolled on the official Coeur d'Alene Tribal census roll. Children of such adopted members who are of not less than one-quarter degree Indian blood and who have no membership or interest in tribal property or assets of any other tribe or reservation shall also be deemed members of the Coeur d'Alene Tribe and placed on the official Coeur d'Alene Tribal Census roll.
- (f).Any person adopted into the Coeur d'Alene Tribe under this Ordinance shall participate in any payments or other benefits accruing to the Tribe subsequent to the date of adoption.
- (g).The foregoing Ordinance is promulgated pursuant to Section 2, Article II, Constitution and By-laws of the Coeur d'Alene Tribe, Idaho, approved by the Acting Commissioner of Indian Affairs on September 2, 1948, and supersedes the Adoption Ordinance approved by the Coeur d'Alene Tribal Council on January 5, 1952, as amended by the Coeur d'Alene Tribal Council on May 24, 1952. Adopted by a vote of 5 for and none against, a quorum being present.

COEUR D'ALENE TRIBAL COUNCIL:

PASCHAL J. GEORGE
Chairman.

FELIX A. ARIPA
Acting Secretary.

Recommended for Approval:

M.L. ROBERTSON
Superintendent, Northern Idaho Indian Agency

Approved: April 22, 1953
Washington, D. C.

ORME LEWIS
Assistant Secretary of the Interior

[SEAL]

CORPORATE CHARTER OF THE SHOSHONE-BANNOCK TRIBES
OF THE FORT HALL RESERVATION, IDAHO

Ratified April 17, 1937

A Federal Corporation Chartered Under the Act of June 18, 1934

Whereas, the Shoshone-Bannock Tribes of the Fort Hall Reservation in the State of Idaho constitute a recognized Indian tribe organized under a Constitution and By-laws ratified by the members of the Shoshone-Bannock Tribes on March 31, 1936, and approved by the Secretary of the Interior on April 30, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the tribe, have petitioned that a charter of incorporation be granted to the tribes, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Charles West, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Shoshone-Bannock Tribes of the Fort Hall Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Reservation at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Shoshone-Bannock Tribes of the Fort Hall Reservation in the State of Idaho by conferring upon the said tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the tribe an assured economic independence; and to provide for the proper exercise by the tribe of various functions heretofore performed by the Department of the Interior, the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Shoshone-Bannock Tribes."

2. Perpetual Succession. The Shoshone-Bannock Tribes shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Shoshone-Bannock Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Fort Hall Business Council established in accordance with the said Constitution and By-laws of the tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a). To adopt, use, and alter at its pleasure a corporate seal.

(b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal subject to the following limitations:

- (1). No sale or mortgage may be made by the tribe of any land, or interests in land, now or hereafter held by the tribe, except as provided by law.
- (2). No leases, permits or contracts (which terms shall not include land assignments to members of the tribe) covering any land or interests in land now or hereafter held by the tribe within the boundaries of the Fort Hall Reservation shall be made by the tribe for a longer term than 5 years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3). No action shall be taken by or in behalf of the tribe which in any way operates to destroy or injure the tribal grazing lands, or other natural resources of the Fort Hall Reservation. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c). To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency or from any member or association of members of the tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the tribe; Provided, That the amount of indebtedness to which the tribe may subject itself aside from loans from the Indian Credit Fund, shall not exceed \$5,000 except with the express approval of the Secretary of the Interior.

(e). To engage in any business that will further the economic well-being of the members of the tribe, or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f). To make and perform contracts and agreements of every description not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Idaho, including agreements with the State of Idaho for the rendition of public services; Provided, That any contract involving payment of money by the corporation in excess of \$500 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g). To pledge or assign chattels or future tribal income due or to become due to the tribe; Provided, That such assignments of tribal income shall not extend more than 20 years from the date of execution and shall not amount for any one year to more than one-half the net tribal income in the preceding year; And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h). To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the tribe.

(i). To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the tribe other than income or chattels specially pledged or assigned.

(j). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Fort Hall Business Council for the termination of any supervisory powers reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the tribe. The termination shall be effective upon ratification by a majority of the adult members of the tribe residing on the Reservation, at an election in which at least 30 percent of the eligible voters vote. If at any time after 10 years from the effective date of this Charter the Secretary shall disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Business Council to popular referendum of the adult members of the tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Shoshone-Bannock Tribes shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the tribe shall continue in force, except as such debt may be satisfied or canceled pursuant to law.

8. Corporate Dividend. The tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the tribe and may distribute per capita, among the recognized members of the tribe, all income of the tribe over and above sums necessary to defray corporate obligations to members of the tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the tribe shall maintain accurate and complete public accounts of the financial affairs of the tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Business Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Shoshone-Bannock Tribes living on the Fort Hall Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Fort Hall Agency and the Chairman and Secretary of the Fort Hall Business Council.

Submitted by the Acting Secretary of the Interior for ratification by the Shoshone-Bannock Tribes of the Fort Hall Reservation in a popular referendum to be held on April 17, 1937.

CHARLES WEST,
Acting Secretary of the Interior,

[SEAL]

Washington, D. C., March 24, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on March 24, 1937, by the Secretary of the Interior to the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, was duly submitted for ratification to the adult Indians living on the reservation, and was on April 17, 1937, duly ratified by a vote of 125 for, and 101 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

PETER JIM,
Chairman, Fort Hall Business Council
TOM COSGROVE,
Secretary, Fort Hall Business Council

F. A. CROSS
Superintendent

CONSTITUTION AND BY-LAWS FOR THE SHOSHONE-BANNOCK

TRIBES OF THE FORT HALL RESERVATION, IDAHO

Ratified April 30, 1936

PREAMBLE

We, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, in order to establish a more responsible organization, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal, State, and local laws, do ordain and establish this Constitution for the Shoshone-Bannock Tribes of the Fort Hall Reservation.

ARTICLE I — TERRITORY

The jurisdiction of the Shoshone-Bannock Tribes shall extend to the territory within the present confines of the Fort Hall Reservation and to such other lands without such boundaries as may hereafter be added thereto under any law of the United States except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Shoshone-Bannock Tribes shall consist as follows:

(a). All persons of Indian blood whose names appear on the official census roll of the Shoshone-Bannock Tribes as of January 1, 1935, provided that such roll may be corrected within 6 months after approval of this constitution and bylaws of the Fort Hall business council with the approval of the Secretary of the Interior.

(b). All children born to any member of the Shoshone-Bannock Tribes who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The business council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the Shoshone-Bannock Tribes.

SEC. 3. No property rights shall be acquired or lost through membership in this organization except as provided herein.

ARTICLE III — THE FORT HALL BUSINESS COUNCIL

SECTION 1. The governing body of the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be a council known as the Fort Hall business council.

SEC. 2. The business council shall consist of seven councilmen to be elected from the districts as set forth hereafter.

SEC. 3. The representation from the districts hereby designated shall be as follows: Gibbon and Fort Hall districts, two councilmen each. Lemmon Creek, Snow Peak Creek, and Bannock Creek one councilman each.

SEC. 4. The business council shall have the power to change the districts and the representation from each district based upon community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of councilmen shall not be changed, as provided for in section 2 of article III of this constitution.

SEC. 5. The business council so organized shall elect from within its own number (1) a chairman and (2) a vice chairman, and from within or without its own membership (3) a secretary, and (4) a treasurer, and may appoint or employ such other officers and committees as may be deemed necessary.

SEC. 6. No person shall be a candidate for membership in the business council unless he shall be a member of the Shoshone-Bannock Tribes of the Fort Hall Reservation, and shall have resided in the district of his candidacy for a period of 1 year next preceding the election, and be at least 25 years of age.

SEC. 7. The business council of the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be the sole judge of the qualifications of its members.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a business council under this constitution shall be called, held, and supervised by the present business council within 30 days after the ratification and approval of this constitution. At the first election, the candidate receiving the highest number of votes in the Gibson, Fort Hall, and Lincoln Creek districts shall serve 2 years. The candidates receiving the next highest number of votes in the Gibson and Fort Hall districts shall serve 1 year, and the candidates receiving the highest number of votes in the Ross Fork and Bannock Creek districts shall serve 1 year, and thereafter elections for the business council shall be held every year and shall be called at least 60 days prior to the expiration of terms of office. The term of office of a councilman shall be for a period of 2 years unless otherwise provided herein.

SEC. 2. The business council or an election board appointed by the council, shall determine rules and regulations governing all elections.

SEC. 3. All elections shall be by secret ballot.

SEC. 4. Any qualified member of the Shoshone-Bannock Tribes may announce his candidacy for the business council within the district of his residence by petition signed by not less than 10 legal voters. A voter may sign only one petition. Petitions for nomination shall be filed with the secretary of the business council at least 30 days prior to the election for which the candidate makes his petition. It shall be the duty of the secretary to post in a public place and in at least two other places in the district affected, at least 2 weeks before the election the names of all candidates for the business council who have met these requirements.

SEC. 5. The business council or a board appointed by the business council shall certify to the election of the members of the business council within 5 days after the election returns.

SEC. 6. Any member of the Shoshone-Bannock Tribes of the Fort Hall Reservation who is 21 years of age or over, and who has maintained legal residence for at least 1 year on the Fort Hall Reservation shall be entitled to vote.

SEC. 7. The business council or a board appointed by the business council shall designate the polling places and appoint all election officials.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the business council shall declare the position vacant and the district affected shall elect to fill the unexpired term.

SEC. 2. The business council may by four affirmative votes expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him at least 5 days before the meeting of the business council before which he is to appear, and an opportunity to answer any and all charges at such designated council meeting. The decision of the business council shall be final.

SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters in any district calling for the recall of any member of the council, representing said district, it shall be the duty of the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the district shall vote at such election.

ARTICLE VI — POWERS AND DUTIES OF THE BUSINESS COUNCIL

SECTION 1. The business council of the Fort Hall Reservation shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws and subject to review at any annual or special meeting of the Shoshone-Bannock Tribes.

(a). To negotiate with the Federal, State, and local Governments on behalf of the tribes and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Fort Hall Reservation.

(b). To employ legal counsel for the protection and advancement of the rights of the Shoshone-Bannock Tribes, the choice of counsel and fixing of fees to be subject to the approval of the tribes and of the Secretary of the Interior.

(c). To approve or veto any disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other official or agency of Government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding 5 years, except for governmental purposes.

(d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Fort Hall Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e). To make assignments of tribal land to members of the Shoshone-Bannock Tribes in conformity with article VIII of this constitution.

(f). To undertake and manage all economic affairs and enterprises in accordance with the terms of a charter that may be issued to the Shoshone-Bannock Tribes by the Secretary of the Interior.

(g). To appropriate for salaries of tribal officials or for public purposes of the reservation any available funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(h). To levy taxes upon members of the Shoshone-Bannock Tribes and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(i). To exclude from the restricted land of the Fort Hall Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j). To enact resolutions or ordinances not inconsistent with article II of this constitution governing adoption and abandonment of membership.

(k). To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Fort Hall Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l). To safeguard and promote the peace, safety, morals, and general welfare of the Fort Hall Reservation by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinances directly affecting nonmembers of the reservation shall be subject to review by the Secretary of the Interior.

(m). To charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Shoshone-Bannock Tribes by ordinance, provided that any such ordinance shall be subject to review by the Secretary of the Interior.

(n). To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Fort Hall Reservation, subject to review by the Secretary of the Interior.

(o). To regulate the domestic relations of members of the tribes, subject to review by the Secretary of the Interior.

(p). To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions, subject to review by the Secretary of the Interior.

(q). To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.

(r). To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

(s). To delegate to subordinate boards, committees, or cooperative associations which are open to all members of the tribes any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent of the reservation who shall, within 10 days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the council of such action: Provided, That if the superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the council of his reasons therefor, and the council, if such reasons appear to be insufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within 90 days from its enactment.

SEC. 3. The business council of the Shoshone-Bannock Tribes may exercise such further powers as may in the future be delegated to it by the Federal Government either through order of the Secretary of the Interior or by Congress, or by the State government, or by members of the Shoshone-Bannock Tribes.

SEC. 4. Any rights and powers heretofore vested in the tribes of the Fort Hall Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Fort Hall Reservation through the adoption of appropriate bylaws and constitutional amendments.

SEC. 5. Manner of review by the tribes. The chairman of the business council shall call a general meeting of the tribes annually, at which time he shall report in detail to the tribes what has been done during the past year and set forth the plans of the business council for the coming year. This shall be freely discussed by the Indians at this general meeting and the wishes of the people may be expressed by resolutions which shall govern the future action of the business council, to be carried into effect by appropriate ordinances. The chairman may call special meetings of the tribes when necessary and shall do so upon a petition of at least 150 legal voters.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage. All members of the tribes over the age of 21 years shall have the right to vote in all tribal reservation elections. The residence qualifications established by article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and bylaws.

SEC. 2. Economic rights. All members of the tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil liberties. All members of the tribes may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of accused. Any member of the Shoshone-Bannock Tribes accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged and shall be permitted to summon witnesses upon his

own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 60 days imprisonment or \$45 fine. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII — LAND

SECTION 1. Allotted lands. Allotted lands, including heirship lands, within the Fort Hall Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Idaho, or of the Federal Government, or by the tribes themselves. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Shoshone-Bannock Tribes. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may with the approval of the Secretary of the Interior, voluntarily convey his land to the Shoshone-Bannock Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. The unallotted lands of the Fort Hall Reservation, and all lands which may hereafter be acquired by the Shoshone-Bannock Tribes or by the United States in trust for the Shoshone-Bannock Tribes, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be allotted to individual Indians but may be assigned to members of the Shoshone-Bannock Tribes, or leased, or otherwise used by the tribes as hereinafter provided.

SEC. 3. Leasing of tribal lands. Tribal lands may be leased by the business council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law. In the leasing of tribal lands, preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Shoshone-Bannock Tribes.

SEC. 4. Grant of "standard" assignments. In any assignment of tribal lands which are now owned by the tribes or which hereafter may be acquired for the tribes by the United States or purchased by the tribes out of tribal funds, preference shall be given, first, to heads of families which have no allotted lands or interests in allotted lands.

No member of the Shoshone-Bannock Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The business council may, if it sees fit, charge a fee not to exceed \$5, on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

SEC. 5. Tenure of standard assignments. If any member of the tribes holding a standard assignment of land shall, for a period of 2 years, fail to use the land so assigned, or use such land for any unlawful purposes, his assignment may be canceled by the business council, after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article. Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him by will or by written request shall have a preference in the reassignment of the land, provided such persons are members of the Shoshone-Bannock Tribes who would be eligible to receive a standard assignment.

SEC. 6. Grant of "exchange" assignments. Any member of the tribes who owns any restricted or unrestricted land or any interest therein may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the tribes in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as exchange assignments.

SEC. 7. Leasing of exchange assignments. Exchange assignments may be used by the assignee or leased by him to cooperative associations of the members, or to individual members or, if no member nor cooperative association is able and willing to rent the land at a reasonable fee, then such assignments may be leased to nonmembers in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignments, such interests shall be reassigned by the business council to his heirs, or devisees, subject to the following conditions:

(a). Such land may not be reassigned to any heir or devisee who is not a member of the Shoshone-Bannock Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b). Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of grazing land or other land or interest in lands of equal value, to be determined from time to time by the business council.

(c). Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than 10 acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the business council shall issue to such heirs or devisees interests in tribal land or property of the same value as the assignment of the decedent.

(d). If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Shoshone-Bannock Tribes or otherwise disposed of under such regulations as the business council shall provide. No permanent improvements shall be removed from the land without the consent of the business council.

SEC. 10. Exchange of assignments. Assignments may be exchanged between members of the Shoshone-Bannock Tribe by common consent in such manner as the business council shall designate.

SEC. 11. Use of unassigned tribal land. Tribal land which is not assigned, including tribal timber reserves, shall be managed by the business council for the benefit of the members of the entire tribe, and any cash income derived from such land accrue to the benefit of the tribes as a whole. All action of the business council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the act of June 18. 1934.

SEC. 12. Purchase of land by tribes. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a). Land within the Fort Hall Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Shoshone-Bannock Tribes.

(b). Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribes, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c). Land owned by any member of the tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribes in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d). Land owned by any member of the reservation in excess of 80 acres of agricultural land or a proportionate area of other land may be purchased by the tribes, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e). Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribes under such terms as may be agreed upon.

SEC. 13. Method of making assignments. Applications for assignments shall be filed with the secretary of the business council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places on the reservation for not less than 20 days before action is taken by the business council. Any member of the tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed with the secretary of the business council and may, if he so desires, appear before the business council to present evidence. The secretary of the business council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the business council upon applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribes. The business council shall draw up one or more forms for standard assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX -- REFERENDUM

SECTION 1. Upon a petition of at least one-third of the eligible voters of the Shoshone-Bannock Tribes, or upon the request of a majority of the members of the business council, any enacted or proposed ordinance or resolution of the council shall be submitted to a popular referendum, and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding on the business council provided that at least 30 percent of the eligible voters shall vote in such election.

ARTICLE X -- AMENDMENTS

SECTION 1. Amendments to the constitution and bylaws may be ratified and approved in the same manner as this constitution and bylaws. Whenever the business council shall, by a vote of five or more members, call for the submission of an amendment, the Secretary of the Interior shall call an election upon the proposed amendment. If at such election the amendment is adopted by a majority of the qualified voters of the tribes voting thereon and if at least 30 percent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and if approved by him, shall thereupon take effect.

BYLAWS FOR THE SHOSHONE-BANNOCK TRIBES OF THE FORT HALL RESERVATION OF IDAHO

ARTICLE I -- THE BUSINESS COUNCIL

SECTION 1. Chairman of the business council. The chairman of the business council shall preside over all meetings of the tribes and all meetings of the business council. He shall perform all duties of a chairman and exercise any authority delegated to him by the business council. He shall vote only in the case of a tie.

SEC. 2. Vice chairman of the business council. The vice chairman of the business council shall assist the chairman when called upon so to do, and in the absence of the chairman, he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as responsibilities of the chairman.

SEC. 3. Secretary of the business council. The secretary of the business council shall conduct all tribal correspondence and keep a complete and accurate record of all matters transacted at council meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction, and to the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the business council and the tribes.

SEC. 4. The treasurer of the business council. The treasurer of the business council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the business council, whether same be tribal funds or special funds for which the business council is acting as treasurer or custodian. He shall deposit all such funds in such banks or elsewhere as directed by the business council and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the business council at regular meetings and at such other times as requested by the business council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the

possession or custody of the business council, except when properly authorized so to do by resolution duly passed by the business council.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the business council and at such other times as the business council or the commissioner of Indian Affairs shall direct. The treasurer shall be required to give a bond satisfactory to the business council and to the Commissioner of Indian Affairs. The treasurer shall be present at all special and regular meetings of the business council.

SEC. 5. Appointive officers. The duties of all appointive committees or officers appointed by the Fort Hall business council shall be clearly defined by resolution of the business council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the business council, and their activities and decisions shall be subject to review by the business council upon the petition of any person aggrieved.

ARTICLE II — CERTIFICATION OF ELECTION

SECTION 1. Newly elected members who have been duly certified by the business council to the secretary shall be installed at the first regular meeting of the business council.

ARTICLE III — INSTALLATION OF COUNCILMEN

SECTION 1. Each member of the business council and each officer or subordinate officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and bylaws. The following form of oath of office shall be given: "I, -----, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; and that I will cooperate, promote, and protect the best interests of my people in accordance with this constitution and bylaws."

ARTICLE IV — TIME AND PLACE OF REGULAR MEETING AND PROCEDURE

SECTION 1. Meetings. Regular meetings of the business council shall be held on the second Tuesday of each month at Fort Hall, Idaho, at a designated building or hall where official records will be kept. Special meetings may be called by written notice signed by the chairman or by a majority of the business council members and when so called, the business council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five councilmen. A quorum at a general meeting of the tribes shall consist of at least 150 voters at the annual meeting, and 100 voters at a called meeting.

SEC. 3. Order of business. The following order of business is established for all meetings:

Call to order by the chairman.
Roll call.
Ascertainment of a quorum.
Reading of the minutes of the last meeting.
Adoption of the minutes by vote or common consent.
Unfinished business.
New business.
Adjournment.

SEC. 4. Report of meetings. It shall be the duty of each member of the business council to make reports concerning the proceedings of the business council to the members of the district from which he is elected.

SEC. 5. Salaries. The business council may prescribe such salaries for officers or members of the council as it deems advisable from such funds as may be available.

ARTICLE V — ORDINANCES AND RESOLUTIONS

SECTION 1. Ordinances. All final decisions of the business council on matters of general and permanent interest to the members of the Shoshone-Bannock tribes shall be embodied in ordinances, such ordinances to be published from time to time for the information and education of the members of the Shoshone-Bannock tribes.

SEC. 2. Resolutions. All final decisions of the business council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officers (such as adoption of members and instructions for tribal employees) or rules of order for the council shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open for inspection of the members of the Shoshone-Bannock tribes.

SEC. 3. Procedure. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion of the business council or by ruling of the chairman if no objection is heard.

In all ordinances, resolutions, or motions the business council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 4. Legislative forms. Every ordinance shall begin with the words: "Be it enacted by the business council of the Shoshone-Bannock tribes * * * ."

Every resolution shall begin with the words: "Be it resolved by the business council of the Shoshone-Bannock tribes * * * ."

Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this constitution under which authority for the said ordinance or resolution is found.

ARTICLE VI — RATIFICATION OF CONSTITUTION AND BYLAWS

SECTION 1. This constitution and bylaws shall be in full force and effect whenever a majority of the adult voters of the Shoshone-Bannock tribes voting at an election called by the Secretary of the Interior in which at least 30 percent of the eligible voters shall vote, shall have ratified such constitution and bylaws,

and the Secretary of the Interior shall have approved same, as provided in the act of June 18, 1934, as amended by the act of June 15, 1935.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved March 13, 1936, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the members of the Shoshone-Bannock Tribes of the Fort Hall Reservation and were on March 31, 1936, duly ratified by a vote of 358 for, and 86 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

R. W. DIXEY,
Chairman of Election Board.
CHARLEY PETERSON,
Chairman of Business Council.
TOM COSGROVE,
Secretary.

F. A. GROSS,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Shoshone-Bannock Tribes of the Fort Hall Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the members of the Shoshone-Bannock Tribes of the Fort Hall Reservation

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended April 21, 1936.

JOHN COLLIER
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D. C., April 30, 1936.

CONSTITUTION AND BY-LAWS OF THE KOOTENAI

TRIBE OF IDAHO

Approved June 16, 1947

PREAMBLE

We, the Kootenai Indians of Idaho, in order to establish a tribal organization and promote our common welfare, do establish this Constitution and Bylaws.

ARTICLE I — TERRITORY

This tribal organization, to be known as "The Kootenai Tribe of Idaho," shall extend its jurisdiction over the area of Indian trust lands acquired under the Act of February 8, 1887 (24 Stat. 388), and other trust lands acquired pursuant to the Act of May 10, 1926 (44 Stat. 202), over any lands which may hereafter be acquired by or for the Kootenai Tribe of Idaho.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Kootenai Tribe of Idaho shall consist as follows of:

(a). All Indians whose names appear on the official census roll of the Kootenai Tribe as of January 1, 1940; provided that prior to 1950 corrections may be made in the said roll by the tribal governing body, subject to the approval of the Secretary of the Interior or his duly authorized representative.

(b). All children, born to members of the Tribe, who are at least one-fourth degree Kootenai blood and who are not affiliated by residence or membership with any Canadian band of Indians.

SEC. 2. The governing body of the Tribe shall have power to make rules, subject to approval by the Secretary of the Interior or his duly authorized representative, governing the adoption of new members or the termination of membership in the Tribe.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Tribe shall be a tribal council consisting of five members, one of whom shall be the duly constituted honorary chief of the Tribe and four shall be elective council members.

SEC. 2. The four elective council members shall be selected by popular vote of the adult members of the Tribe and shall serve for a term of three years. Elections shall be conducted by an election board of three members appointed by the honorary chief which board shall prescribe the election rules and procedures.

SEC. 3. Immediately upon election, the members of the tribal council shall be convened by the chief and they shall elect from their membership the following officers: a chairman, a vice-chairman, a secretary, and a treasurer.

SEC. 4. Any vacancies occurring in the council shall be filled for the unexpired period by special election at a meeting of the tribal members to be held on the occasion of the next regular council meeting. Members of the council shall be subject to recall in the same manner as elected.

ARTICLE IV — POWERS OF THE COUNCIL

SECTION 1. The tribal council shall have the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

(a). To represent the Tribe and to negotiate with Federal, State, and local governments;

(b). To manage the business affairs of the Tribe;

(c). To borrow money, subject to the approval of the Commissioner of Indian Affairs, from the Indian credit fund or from any other Governmental agency and to pledge or assign future tribal income as security for such loans;

(d). To establish a tribal court and adopt a code of law which shall be subject to the approval of the Secretary of the Interior or his duly authorized representative;

(e). To exercise any rights and powers heretofore or hereafter vested in the Tribe but not referred to in this Constitution.

ARTICLE V — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the adult members of the Tribe who vote at an election called for that purpose by resolution of the council, or upon petition signed by 30% of the adult members of the Tribe, such amendments to become effective when approved by the Commissioner of Indian Affairs.

BYLAWS OF THE KOOTENAI TRIBE OF IDAHO

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The chairman shall preside over meetings of tribal council, affix his signature to official documents and shall vote only in case of a tie.

SEC. 2. The vice-chairman shall act in the capacity of chairman in the absence of the chairman.

SEC. 3. The secretary shall conduct correspondence, issue notices, take minutes, and affix his signature to official documents.

SEC. 4. The treasurer shall keep a record of financial transactions. Should any funds accrue to the Tribe, the Northern Idaho Agency shall serve as a depository therefor, and the treasurer shall give an adequate surety bond before handling any funds.

ARTICLE II -- MEETINGS

SECTION 1. The tribal council shall hold meetings as called by the chairman or upon written request of at least three members of the council.

SEC. 2. Three members shall constitute a quorum of the council.

ARTICLE III -- RATIFICATION

This Constitution and Bylaws shall become effective upon ratification by a majority vote of the adult members of the Kootenai Tribe of Indians voting at an election authorized for that purpose by the Commissioner of Indian Affairs.

CERTIFICATE OF ADOPTION

Pursuant to the Constitutional election held on April 10, 1947, this Constitution and Bylaws of the Kootenai Tribe of Idaho was duly adopted by a vote of 24 for, and 2 against.

PIERRE ANDREW
Judge, Election Board.
SIMON FRANCIS
Clerk, Election Board.

ARCHIE PHINNEY
Superintendent, Northern Idaho Agency.

APPROVAL

This Constitution and Bylaws, having been proposed and duly ratified by the members of the Kootenai Tribe of Idaho on April 10, 1947, at a referendum called by me, is herewith approved.

WILLIAM ZIMMERMAN, JR.
Acting Commissioner of Indian Affairs.

Chicago, Illinois, June 16, 1947

REVISED CONSTITUTION AND BY-LAWS OF THE NEZ

PERCE TRIBE OF IDAHO

Approved June 27, 1961

PREAMBLE

We, the members of the Nez Perce Tribe of Idaho, in order to exercise our tribal rights and promote our common welfare, do hereby establish this Constitution and Bylaws.

ARTICLE I — PURPOSE

The purpose of this Constitution and Bylaws shall be to protect and promote the interests of the Nez Perce Indians, to develop cooperative relations with the Bureau of Indian Affairs and other Federal agencies, and to cooperate with State and local governments.

ARTICLE II — NAME

This tribal organization shall be called "The Nez Perce Tribe of Idaho."

ARTICLE III — TERRITORY

The jurisdiction of the Nez Perce Tribe shall extend to all lands within the original confines of the Nez Perce Reservation boundaries as established by treaty and to such other lands as may hereafter be acquired by or for the Nez Perce Indians of Idaho.

ARTICLE IV — MEMBERSHIP

SECTION 1. The membership of the Nez Perce Tribe of Idaho shall consist as follows, provided they have not lost or do not hereafter lose their membership under the terms of any Tribal Membership Ordinance:

(a). All persons whose names appear on the official Nez Perce Tribal Membership Roll of December 31, 1956, as corrected by any action of the Secretary of the Interior.

(b). All children who are of at least one-fourth (1/4) degree Nez Perce Indian ancestry born to a member of the Nez Perce Tribe of Idaho, provided that an application for enrollment is filed with the Nez Perce Tribal Executive Committee within eighteen (18) years after birth.

(c). Persons adopted into the Tribe under the terms of a Tribal Membership Ordinance.

SEC. 2. The Executive Committee of the Tribe shall have power to make rules, subject to approval by the Secretary of the Interior or his authorized representative, governing the adoption of new members or the termination of membership in the Tribe.

ARTICLE V — THE TRIBAL GENERAL COUNCIL

SECTION 1. The qualified voters of the Tribe, as defined in Section 5 of this Article, shall constitute the Tribal General Council. There shall be two meetings of the Tribal General Council annually, which shall take place on the first Friday and Saturday in May and on the last Friday and Saturday in September.

SEC. 2. The Tribal General Council shall at the first meeting held after the approval by the Secretary of the Interior or his duly authorized representative, of this revised Constitution and Bylaws, upon being called to order by the Chairman of the Tribal Executive Committee, elect a Chairman, a Secretary, three Election Judges and a Resolutions Committee of not more than four members.

SEC. 3. The officers of the Tribal General Council, elected under Section 2 of this Article, shall hold office for one year and until their successors have qualified.

(a). It shall be the duty of the Chairman of the Tribal General Council to preside over meetings of the Tribal General Council.

(b). It shall be the duty of the Secretary of the Tribal General Council to take minutes and record all action of the Tribal General Council.

(c). It shall be the duty of the Chairman and the Secretary of the Tribal General Council to prepare the agenda for every meeting of the Tribal General Council, subject to amendment from the floor.

(d). It shall be the duty of the Election Judges to pass on the eligibility of members to vote in the General Council, to supervise all elections and decide all election disputes, subject to the provisions of any Tribal election ordinance, and to certify the election results as attested to by the Chairman of the Tribal General Council.

SEC. 5. Any enrolled member of the Nez Perce Tribe who is twenty-one years or over and has resided within the boundaries of the Reservation established by the Treaty of 1855, for at least six months immediately preceding a meeting of the Tribal General Council shall be entitled to vote at such meeting.

SEC. 6. The Resolutions Committee shall have the power, between meetings of the General Council, to meet for a total of not to exceed ten days annually for the purpose of considering suggestions, problems and complaints from the people concerning Tribal affairs. If the Resolutions Committee finds any such suggestion, problem or complaint to merit its presentation to the Nez Perce Tribal Executive Committee it shall do so. The Nez Perce Tribal Executive Committee shall be required to place such item or items on the agenda of its next regular meeting or to call a special meeting for the consideration of such item or items. Nothing herein contained shall be construed as depriving a member of the right to appeal directly to the Nez Perce Tribal Executive Committee.

ARTICLE VI — THE NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

SECTION 1. The affairs of the Nez Perce Tribe of Idaho shall be administered by a Tribal Executive Committee (hereinafter referred to as NPTEC), consisting of nine (9) members elected by the Tribal General Council.

SEC. 2. (a). The full term of office of each member of the NPTEC shall be three years; the three terms, under the Tribal Constitution of 1948, expiring in 1962 to be designated "Class A", the three terms expiring in 1963 "Class B", and the three terms expiring in 1964 "Class C". Members of the NPTEC shall be elected at the May meeting of the Tribal General Council and shall serve until the expiration of their term and until their successors have qualified.

(b). In the case of a vacancy on the NPTEC through death, resignation or removal, NPTEC shall elect a successor to serve until the next May meeting of the Tribal General Council. At such May Meeting the General Council shall elect a successor to serve for the remainder of the term.

SEC. 3. Subject to the provisions of Article VII, Section 4, any qualified voter of the Nez Perce Tribe of Idaho shall be eligible for election to the NPTEC, provided that he is of one-fourth degree or more Nez Perce Indian ancestry and has had one year permanent residence within the confines of the Reservation, as established by the Treaty of 1863, immediately preceding his election.

SEC. 4. The NPTEC shall meet immediately following the annual May Meeting of the General Council for the purpose of electing from its own membership: (a) a Chairman, (b) a Vice-Chairman, (c) a Secretary, (d) a Treasurer, (e) an Assistant Secretary-Treasurer, and (f) a Chaplain.

SEC. 5. Every member of the NPTEC shall have the right to vote on any matter which shall be brought before the Committee.

ARTICLE VII — REMOVAL FROM OFFICE AND DISQUALIFICATION

SECTION 1. Any member or officer of the NPTEC shall automatically forfeit his office if convicted by any court of competent jurisdiction of any criminal offense, other than a minor traffic, hunting or fishing violation, for which he is sentenced to imprisonment or payment of a fine in lieu thereof.

SEC. 2. NPTEC shall, by majority vote, expel any member of the NPTEC found guilty by it of (a) having absented himself from three successive meetings of the Committee without sufficient reason acceptable to the Committee, (b) other neglect of duty, or (c) gross misconduct. Before any vote for expulsion is taken in the matter, such member shall be given a written statement of the charges against him at least ten days before the meeting of the NPTEC at which he is to appear. He shall be given a reasonable opportunity to answer charges at the designated Committee meeting. Failure of the accused to appear at the scheduled time shall be deemed a waiver of his right to a hearing unless a satisfactory excuse for such failure to appear is furnished within a reasonable time thereafter. The decision of the NPTEC shall be final.

SEC. 3. The NPTEC shall formulate and adopt a set of rules defining other neglect of duty and gross misconduct as applied to members of the Committee.

SEC. 4. (a). No person who has been convicted of a felony by a court of competent jurisdiction may serve as a member of the NPTEC until ten years following his release from confinement.

(b). No person who has been convicted by a court of competent jurisdiction of a criminal offense other than a felony or a minor traffic, hunting or fishing violation for which he was sentenced to imprisonment or payment of a fine in lieu

thereof may serve as a member of the NPTEC until three years following his conviction.

(c). No person who has been removed from the NPTEC under Section 2 of this Article may serve on it again until three years following his removal.

ARTICLE VIII — POWERS AND DUTIES OF
THE NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

SECTION 1. The NPTEC shall have the following powers, to be exercised in accordance with this Constitution and with the applicable statutes of the United States.

(a). To represent the Tribe in negotiations with Federal, State and local governments and with private corporations, associations, and individuals and to advise and consult with government officials concerning governmental activities affecting the Tribe.

(b). To promote and protect the health, education and general welfare of the members of the Tribe, and to administer welfare aid and such other services as may contribute to the social and economic advancement of the Tribe and its members.

(c). To administer unrestricted Tribal funds.

(d). To prescribe rules governing nominations and elections of members of the NPTEC.

(e). To regulate the procedure of the NPTEC.

SEC. 2. The NPTEC shall have the following powers, to be exercised in accordance with this Constitution and with applicable statutes of the United States and subject to approval by the Secretary of the Interior or his authorized representative.

(a). To manage the property of the Nez Perce Tribe, including Tribal lands, restricted funds, timber and other resources, and to purchase or otherwise acquire lands or interest in lands within or without the Reservation.

(b). To engage in any business or other economic transaction that will further the economic development of the Tribe and its members.

(c). To promulgate and enforce ordinances governing the conduct of members of the Tribe on the Reservation and in the exercise of treaty rights, to provide for the maintenance of law and order the administration of justice, and to regulate domestic relations and the inheritance and testamentary disposition of personal property and real property, other than allotted lands, within the Reservation.

(d). To prescribe rules governing the adoption of members into the Tribe and the loss of membership.

(e). To employ counsel or consultants for the protection and advancement of the Tribe, and for such other purpose as may be deemed necessary. The choice of attorneys and consultants and the fixing of fees to be approved by the Secretary of the Interior or his duly authorized representative.

(f). To exercise any other power which may heretofore have been delegated or may hereafter be delegated to it by any agency of local, State or Federal government.

SEC. 3. Any resolution or ordinance which under Section 2 of this Article is subject to approval by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, he shall transmit it with his endorsement to the Secretary of the Interior who may, within 90 days from the date of enactment, approve or disapprove it. The resolution shall become effective upon approval by the Secretary or if it was neither approved nor disapproved upon the expiration of the prescribed 90 days.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within 10 days after its enactment or passage, he shall advise the NPTEC of his reasons therefore. If these reasons appear insufficient to the NPTEC, it may by a majority vote, refer the ordinance or resolution to the Secretary of the Interior whom may within 90 days of its receipt by him, approve the same in writing whereupon the said ordinance or resolution shall become effective.

SEC. 4. When the approval by the Secretary of the Interior is required under Section 2 of this Article, the Secretary, where permitted by law, may waive this requirement in writing for such period as he, in his sole discretion, deems fit.

SEC. 5. Any rights and powers heretofore vested in the Nez Perce Tribe, its General Council or its Executive Committee, but not expressly referred to in this Constitution and Bylaws shall not be abridged by this Constitution and Bylaws, but may be exercised by the people of the Tribe through adoption of appropriate amendments.

ARTICLE IX — AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a two-thirds vote at an election called for that purpose, provided that a total of not less than 100 valid votes shall have been cast. Such an election may be called by a resolution of the NPTEC, or a majority vote of the Tribal General Council, provided that not less than 75 votes are cast for such call. No amendment shall become effective until approved by the Secretary of the Interior or his duly authorized representative.

SEC. 2. Members of the Tribe must be given at least sixty (60) days notice of any election under Section 1 of this Article, such notice to include the text of any proposed amendment.

BYLAWS OF THE NEZ PERCE TRIBE OF IDAHO

ARTICLE I — DUTIES OF THE OFFICERS OF THE NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

SECTION 1. The Chairman, as chief executive officer of the NPTEC shall preside over all its meetings, affix his signature to official documents, and countersign warrants duly drawn by the Treasurer against the Tribal funds.

SEC. 2. The Vice-Chairman of the NPTEC shall preside at meetings and otherwise exercise the duties of the Chairman in the absence of the Chairman.

SEC. 3. The Secretary of the NPTEC shall conduct all correspondence, issue public notices, be responsible for the recordation and publication of the minutes, record official actions of the NPTEC and affix his signature to official documents.

SEC. 4. The Treasurer shall accept, receipt for, and safeguard all funds of the Tribe under his custody as directed by the NPTEC, and keep complete record of receipts and expenditures. He shall furnish a surety bond satisfactory to the NPTEC and the Secretary of Interior, the cost thereof to be paid from Tribal funds, and he shall not disburse any funds of the Tribe except as duly authorized by the NPTEC, and he shall report on his account and all financial transactions at meetings of the Tribal General Council and the NPTEC.

SEC. 5. The Assistant Secretary Treasurer shall assist, or serve in the absence of either the Secretary or the Treasurer, as provided in Section 3 and 4 of this Article. He shall furnish a surety bond satisfactory to the NPTEC and the Secretary of the Interior, the cost thereof to be paid from Tribal funds.

SEC. 6. The duties and compensation of all appointive committees and officers of the Tribe shall be defined by resolution of the NPTEC.

SEC. 7. The NPTEC may by resolution provide for an appropriate oath or affirmation of office to be subscribed to by all Tribal officials.

ARTICLE II -- MEETINGS

SECTION 1. The NPTEC shall meet monthly in regular session, beginning on the second Tuesday of each month, except that in case the second Tuesday is a legal holiday or under other special circumstances as determined by the Chairman of the NPTEC, the meetings may begin on the Wednesday following the second Tuesday. Meetings shall be at the Tribal office, unless the Chairman designates another place and give due notice thereof to the members of the NPTEC.

SEC. 2. Special meetings of the NPTEC may be called by the Chairman or upon written request of at least five members of the NPTEC.

SEC. 3. At any meeting of the NPTEC duly called, six members shall constitute a quorum.

SEC. 4. The NPTEC may, by a vote of majority of the members present, exclude all non-members from any meeting, if that is deemed necessary in the interest of the Tribe.

SEC. 5. At meetings of the Tribal General Council, fifty (50) qualified voters of the Tribe shall constitute a quorum.

SEC. 6. All meetings of the NPTEC or the General Council shall be governed by Robert's Rules of Order.

CERTIFICATE OF ADOPTION

This is to certify that the above amendments to the Constitution and Bylaws of the Nez Perce Tribe in Idaho were ratified by a vote of 74 for and 58 against, at a meeting on May 6, 1961, of the General Council called by the Nez Perce Tribal

Executive Committee pursuant to Article IX of the Constitution and Bylaws approved by the Assistant Commissioner of Indian Affairs April 2, 1948, and ratified by the Nez Perce Tribe in general assembly April 30, 1948.

RICHARD A. HALFMOON
Chairman, Nez Perce Tribal Executive
Committee.

ALBERT EZEKIEL
Assistant Secretary, Nez Perce Tribal
Executive Committee

WILLIAM E. ENSOR, Jr.
Superintendent, Northern Idaho Agency

APPROVAL

I, John O. Crow, Acting Commissioner of Indian Affairs, United States Department of the Interior, do hereby approve the attached amendments to the Constitution and Bylaws of the Nez Perce Tribe in Idaho as ratified by the Tribe at a duly called meeting of the General Council on May 6, 1961, by a vote of 74 for and 58 against, as certified by the Chairman and the Secretary of the Council.

The amendments approved shall be known as the Revised Constitution and Bylaws of the Nez Perce Tribe of Idaho, and shall become effective as of this date.

JOHN O. CROW
Acting Commissioner of Indian Affairs.

Date: June 27, 1961

Washington, D. C.

CORPORATE CHARTER OF THE CONFEDERATED TRIBES
OF THE GOSHUTE RESERVATION
UTAH

Ratified March 29, 1941

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Confederated Tribes of the Goshute Reservation is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribes on November 9, 1940, and approved by the Secretary of the Interior on November 25, 1940, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribes have petitioned that a charter of incorporation be granted to such Tribes, subject to ratification by a vote in an election at which at least 30 percent of the adult Indians living on the reservation shall vote.

1. Corporate Existence. In order to further the economic development of the Confederated Tribes of the Goshute Reservation in Utah by conferring upon the said Tribes certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribes an assured economic independence; and to provide for the proper exercise by the Tribes of various functions heretofore performed by the Department of the Interior, the aforesaid Tribes are hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Confederated Tribes of the Goshute Reservation".

2. Perpetual Succession. The Confederated Tribes of the Goshute Reservation shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Confederated Tribes of the Goshute Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribes, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Goshute Business Council established in accordance with the Constitution and By-laws of the Confederated Tribes shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribes, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribes, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a). To adopt, use, and alter at its pleasure, a corporate seal.

(b). To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1). No sale or mortgage may be made by the Tribes of any land or interests in land, including mineral rights, now or hereafter held by the Tribes within the boundaries of the Goshute Indian Reservation.
- (2). No leases or permits (which terms shall not include land assignments to members of the Tribes) covering any land or interests in land now or hereafter held by the Tribes within the boundaries of the Goshute Indian Reservation, shall be made by the Tribes for a longer term than five years, and all such leases, permits or contracts, must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3). No action shall be taken by or in behalf of the Tribes which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Goshute Indian Reservation. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c). To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d). To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribes, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribes: Provided, That the amount of indebtedness to which the Tribes may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$3,000.00, except with the express approval of the Secretary of the Interior.

(e). To engage in any business that will further the economic well-being of the members of the Tribes, or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f). To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the States of Utah or Nevada, including agreements with the States of Utah or Nevada for the rendition of public service; Provided, That any contract involving payment of money by the corporation in excess of \$300 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g). To pledge or assign chattels or future tribal income due or to become due, to the Tribes: Provided, That such agreements of pledge or assignment, other than an agreement with the United States, shall not extend more than ten years from the date of execution and shall not amount to more than one-half of the net tribal

income in the preceding year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h). To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribes.

(i). To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribes or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribes other than income or chattels specially pledged or assigned.

(j). To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request by the Goshute Business Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h) and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribes. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribes residing on the Reservation at an election in which at least thirty percent of the eligible voters vote. If at any time after ten years from the date of ratification of this Charter such request shall be made and the Secretary shall disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Business Council to popular referendum of the adult members of the Tribes actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Confederated Tribes of the Goshute Reservation shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Confederated Tribes shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribes shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Confederated Tribes may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribes and may distribute per capita, among the recognized members of the Tribes, all income of the Tribes over and above sums necessary to defray corporate obligations to members of the Tribes or to other persons, and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribes shall be

distributed except as provided herein.

9. Corporate Accounts. The officers of the Confederated Tribes shall maintain accurate and complete public accounts of the financial affairs of the Tribes, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribes to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Business Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Confederated Tribes of the Goshute Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Western Shoshone Indian Agency and the Chairman and Secretary of the Goshute Business Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Confederated Tribes of the Goshute Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

Washington, D. C., February 19, 1941.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on February 19, 1941, by the Assistant Secretary of the Interior to the Confederated Tribes of the Goshute Reservation in Utah, was duly submitted for ratification to the adult Indians residing on the reservation and was on March 29, 1941, duly ratified by a vote of 33 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

JOHN SYME,
Chairman, Goshute Business Council.
ARTHUR JOHNSON,
Secretary, Goshute Business Council.

CARL BECK,
Supt., Western Shoshone Agency.

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES
OF THE GOSHUTE RESERVATION

UTAH

Approved November 25, 1940

PREAMBLE

We, the people of the Goshute Reservation, in order to establish justice, promote the common welfare and preserve the advantages of self-government, do ordain and establish this constitution.

ARTICLE I — PURPOSE

Our purpose shall be to develop and use our resources, to promote and protect the interests of the Confederated Tribes of the Goshute Reservation, and to secure and preserve peaceful and cooperative relations with the Office of Indian Affairs, its officers and appointees.

ARTICLE II — TERRITORY

The jurisdiction of the Confederated Tribes of the Goshute Reservation shall extend to the territory within the confines of the Goshute Indian Reservation boundaries, as established by Executive Order dated March 23, 1914, and to such other lands as may be hereafter added thereto.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Confederated Tribes of the Goshute Reservation shall consist as follows:

(a). All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes of the Goshute Reservation as of April 1, 1939; Provided, That within one year after approval of this Constitution and Bylaws, such roll may be corrected by the Goshute Business Council on the Confederated Tribes subject to the approval of the Secretary of the Interior.

(b). All children born to any member of the Confederated Tribes who is a resident of the reservation at the time of the birth of said children.

(c). All persons of Indian blood whose names appear on the official census rolls of the Skull Valley Reservation; Provided, That the Skull Valley Indians may affiliate hereafter with Confederated Tribes of the Goshute Indians.

SEC. 2. The Business Council, with the approval of the Confederated Tribes, shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior governing future membership and the adoption of new members.

(a). No property rights shall be acquired or lost through membership in this organization, except as provided herein.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Confederated Tribes of Indians of the Goshute Reservation shall consist of the council of five members, to be known as the Goshute Business Council. The term of office of each councilman shall be three years, except as provided in Section 1 (a) of Article V.

SEC. 2. The Business Council so organized shall elect from within its own number (1) a chairman, (2) a vice-chairman, and from within or without, (3) a secretary, and (4) a treasurer, and may appoint or employ such other officers and committees as may be deemed necessary.

ARTICLE V — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Business Council hereunder shall be called, held and supervised by the Superintendent and the present Constitutional Committee within sixty days after ratification and approval of this Constitution.

(a). The two candidates receiving the highest number of votes shall hold office for three years. The two candidates receiving the next highest number of votes shall hold office for two years. The candidate receiving the next highest number of votes shall hold office for one year, and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the Business Council shall be called at least sixty days prior to expiration of terms of office of Business Council members.

SEC. 2. All recognized members of the Confederated Tribes of the Goshute Reservation who are 21 years of age or over, who have maintained legal residence within the reservation for a period of one year immediately prior to election, shall have the right to vote.

SEC. 3. The time and place of voting shall be designated by the Business Council.

SEC. 4. All elections shall be by secret ballot to be held in accordance with rules and regulations laid down by the Business Council or by an election board appointed by the Business Council.

SEC. 5. Any qualified voter may become a candidate for the Business Council. He shall file notice of his candidacy with the Secretary of the Business Council at least fifteen days prior to the election. The list of candidates shall be posted by the Secretary of the Business Council in at least three conspicuous places within the reservation not less than ten days prior to the election.

SEC. 6. The Business Council, or a board appointed by the Council, shall certify to the election of the members of the Council within five days after election returns.

ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or officer shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Council shall declare the position vacant and elect to fill the unexpired term.

SEC. 2. The Business Council may, by four affirmative votes, expel any member

for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him at least five days before the meeting before which he is to appear and an opportunity to answer any and all charges at such designated Council meeting. The decision of the Business Council shall be final.

SEC. 3. Recall from Office. Upon receipt of a petition signed by at least one-third of the eligible voters of the Confederated Tribes of the Goshute Reservation calling for the recall of any member of the Council, it shall be the duty of the Business Council to call a special election to consider the recall of the member or members of the Council named in such petition. Provided that at least thirty percent of those entitled to vote shall vote in such election, and the majority favor such recall from office, the office shall be declared vacant and the Business Council shall proceed in the usual manner to hold an election to fill the said office.

ARTICLE VII — POWERS OF THE BUSINESS COUNCIL

SECTION 1. Enumerated Powers. The Business Council of the Confederated Tribes of the Goshute Reservation shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States.

- (a). To negotiate with the Federal, State and local governments.
- (b). To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c). To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets.
- (d). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the reservation prior to submission of such estimates to the Bureau of the Budget and to Congress.
- (e). To manage all economic affairs and enterprises of the Goshute Reservation in accordance with the terms of a charter that may be issued to the Confederated Tribes of the Goshute Reservation by the Secretary of the Interior.
- (f). To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Goshute Reservation; providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of assessments and the appropriation of available funds of the Confederated Tribes of the Goshute Reservation for public purposes; providing for the licensing of non-members coming upon the reservation for purpose of hunting, fishing, trading or other business, and for the exclusion from the territory of the reservation of undesirable persons, and establishing proper agencies for the enforcement of such ordinances upon the reservation.

ARTICLE VIII — BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes over the age of twenty-one years shall have the right to vote in all tribal elections. The residence qualifications established by Article V, section 2, of this Constitution shall apply to all elections.

SEC. 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Any member of the Confederated Tribes accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 30 days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE IX — LAND

SECTION 1. Tribal Lands. The lands of the Goshute Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Goshute Reservation, or by the United States in trust for the Confederated Tribes of the Goshute Reservation, shall be held as tribal lands and shall be used in accordance with a land-use agreement entered into between the Tribes and the Secretary of the Interior, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Confederated Tribes, or otherwise used by the Tribes, as specified in the land-use agreement or as hereinafter provided, except that no assignment shall be made on grazing land.

SEC. 2. Grant of "Standard" Assignments. In any assignment of tribal agricultural lands, which are now owned by the Tribes or which hereafter may be acquired for the Tribes by the United States or purchased by the Tribes out of tribal funds, preference shall be given to heads of families which have no land or interests in lands. The Business Council may, if it sees fit, charge a filing fee of not to exceed \$5.00 on approval of an assignment made under this Section.

Assignments made under this Section shall be for the primary purpose of establishing homes for landless members, and shall be known as "Standard" assignments.

SEC. 3. Tenure of Standard Assignments. If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned in accordance with his application or contract, or shall use such land for any unlawful purposes, his assignment shall be cancelled by the Business Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provision of this Article.

Upon the death of any Indian holding a Standard Assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a Standard Assignment.

SEC. 4. Inheritance of Improvements. Improvements of any character made upon assigned land by an assignee may be bequeathed to and inherited by members of the Confederated Tribes or otherwise disposed of under such regulations as the Business Council shall provide. No permanent improvements shall be removed from the land without the consent of the Business Council.

SEC. 5. Exchange of Assignments. Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Business Council shall designate.

SEC. 6. Use of Unassigned Tribal Lands. Tribal agricultural land which is not assigned and tribal timber and grazing lands shall be managed by the Business Council for the benefit of the members of the entire Confederated Tribes, and any cash income derived from such land shall accrue to the benefit of the Tribes as a whole. All action of the Business Council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

SEC. 7. Purchase of Land by the Tribes. Tribal funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a). Land within the jurisdiction of the Tribes, or adjacent to the boundaries thereof, which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.

(b). Any property rights owned by any member of the Confederated Tribes who desires to leave the reservation permanently, may be purchased by the Tribes, under such terms as may be agreed upon.

SEC. 8. Method of Making Assignments. Applications for assignments shall be filed with the Secretary of the Business Council and shall be in writing on approved forms, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notice of all applications received by the Secretary shall be posted by him in the Agency office and in at least three conspicuous places on the reservation for not less than twenty days before action is taken by the Business Council. Any member of the Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Business Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Business Council shall furnish the Superintendent or other officer in charge of the Agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the Agency office and shall be open for inspection by members of the Tribe.

The Business Council shall draw up Standard Assignment forms which shall be subject to the approval of the Secretary of the Interior.

ARTICLE X — REFERENDUM

Upon receipt of a petition signed by at least one-third of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Business Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding on the Business Council; Provided, That at least 30 percent of the eligible voters shall vote in such election and provided further that all enacted ordinances and resolutions shall be in effect until rescinded by the Council or by a referendum of the Tribes.

ARTICLE XI — AMENDMENTS

Amendments to the Constitution and Bylaws may be ratified and approved in the same manner as this Constitution and Bylaws. Whenever the Business Council shall by a vote of four or more members call for the submission of an amendment, the Secretary of the Interior shall call for an election upon the proposed amendment. If at such election the amendment is adopted by a majority of the qualified voters of the Tribes voting thereon, and if at least 30 percent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and if approved by him, shall thereupon take effect.

BYLAWS OF THE CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Business Council. The Chairman of the Business Council shall preside over all meetings of the Council and the Tribes. He shall perform all duties of a chairman, and exercise any authority delegated to him by the Tribes and the Business Council. He shall vote only in the case of a tie.

SEC. 2. Vice-Chairman of the Business Council. The Vice-Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges, duties and responsibilities of the Chairman.

SEC. 3. Secretary of the Business Council. The Secretary of the Business Council shall conduct all tribal correspondence, and shall keep an accurate record of all matters transacted at tribal and Business Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and to the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribes and the Business Council.

SEC. 4. Treasurer of the Business Council. The Treasurer of the Business Council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Business Council, whether same be tribal funds or special funds for which the Business Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Business Council, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Business Council at regular meetings and at such other times as requested by the Business Council and the Tribes.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Business Council, except when properly authorized to do so by resolution duly passed by the Business Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Business Council, or an employee of the Department of the Interior, and at such other times as the Tribes, the Business Council, or the Commissioner of Indian Affairs may direct.

The Treasurer shall be required to give a bond satisfactory to the Business Council, and to the Commissioner of Indian Affairs.

The Treasurer shall be present at all special and regular meetings of the Tribes and the Business Council.

SEC. 5. Appointive Officers. The duties of all appointive committees or officers of the Confederated Tribes shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the Business Council, and their activities and decisions shall be subject to review and approval by the Business Council.

ARTICLE II — QUALIFICATIONS OF COUNCILMEN

No person shall be a candidate for membership in the Business Council unless he shall be a member of the Confederated Tribes and shall have resided within the reservation for a period of one year next preceding the election and be at least twenty-four years of age.

ARTICLE III — INSTALLATION OF COUNCILMEN

Each member of the Business Council and each officer or subordinate officer elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws. The following form of oath of office shall be given:

"I, -----, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability, and will cooperate, promote, and protect the best interests of my people in accordance with this Constitution and Bylaws."

ARTICLE IV — SALARIES

The Business Council may prescribe such salaries of officers and members of the Council as it deems advisable from such funds as may be available; Provided, That no compensation shall be paid to any officers and members of the Business Council except upon a resolution passed by the Council stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until approved by a majority of the members of the Tribes of the Goshute Reservation.

ARTICLE V — TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. Meetings. Regular meetings of the Business Council shall be held on the second Thursday of each quarter, and at such other times as the Business Council may by resolution provide. Special meetings may be called by a written notice signed by the Chairman or by a majority of the Business Council, and when so called, the Council shall have power to transact business as in regular meetings.

SEC. 2. Meetings of the Tribes. The Chairman of the Business Council shall call a meeting of the Tribes annually, this meeting to be held on the first Thursday of December, at which time he shall report in detail to the Tribes what has been done during the past year and set forth the plans of the Business Council for the coming year. This shall be freely discussed by the Indians at the tribal meeting and the

wishes of the people may be expressed by resolution which shall govern the future action of the Business Council to be carried into effect by appropriate ordinances. The Chairman may call special meetings of the Tribes when necessary, and shall do so upon a petition of at least 25 legal voters.

SEC. 3. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen. A quorum of the Tribes shall consist of 25 percent of the eligible voters.

SEC. 4. Order of Business. The following order of business is established for all meetings.

1. Call to order by the chairman.
2. Roll call.
3. Ascertainment of a quorum.
4. Reading the minutes of the last meeting.
5. Adoption of the minutes by vote or common consent.
6. Unfinished business.
7. New business.
8. Adjournment.

SEC. 5. Legislative Forms. Every ordinance shall begin with the words: "Be it enacted by the Goshute Business Council -----."

Every resolution shall begin with the words: "Be it resolved by the Goshute Business Council-----."

Every ordinance and resolution shall contain the provisions of the Constitution for the Confederated Tribes of the Goshute Reservation under which authority for the said ordinance or resolution is found.

ARTICLE VI — RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws shall be in full force and effect whenever a majority of the adult voters of the Confederated Tribes of the Goshute Reservation voting at an election called by the Secretary of the Interior in which at least 30 percent of the eligible voters shall vote, shall have ratified such Constitution and Bylaws, and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 25, 1940, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Confederated Tribes of the Goshute Reservation and was on November 9, 1940, duly ratified by a vote of 42 for, and 7 against, in an election in which more than 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

ARTHUR JOHNSON
Chairman, Election Board
BOB STEELE
Secretary, Election Board

CARL W. BECK
Superintendent, Western Shoshone Agency

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Confederated Tribes of the Goshute Reservation in Utah.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Confederated Tribes of the Goshute Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended: November 18, 1940

FRED H. DAIKER
Acting Commissioner of Indian Affairs

OSCAR L. CHAPMAN
Assistant Secretary

[SEAL]

WASHINGTON, D. C.

November 25, 1940

CORPORATE CHARTER OF THE UTE INDIAN TRIBE OF THE
UINTAH AND OURAY RESERVATION, UTAH

Ratified August 10, 1938

A Federal Corporation Chartered Under the Act of June 18, 1934

Whereas, the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah is a recognized Indian tribe organized under a constitution and by-laws ratified by the Tribe on December 19, 1936, and approved by the Secretary of the Interior on January 19, 1937, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Ute Indian Tribe of the Uintah and Ouray Reservation to be effective from and after such time as it may be ratified by a majority vote at an election in which at least 30 per cent of the adult Indians living on the reservation shall vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Ute Indian Tribe."

2. Perpetual Succession. The Ute Indian Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Ute Indian Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Uintah and Ouray Tribal Business Committee established in accordance with the said constitution and by-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal constitution and by-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale nor mortgage may be made by the tribe of any land, or interests in land, including water power sites, water rights, and mineral rights, now or hereafter held by the Tribe within the Uintah and Ouray Reservation.
- (2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the Uintah and Ouray Reservation.
- (3) No leases, permits (which terms shall not include land assignments to members of the Tribe), nor timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the Uintah and Ouray Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but leases for mining purposes or on irrigable land, or any leases requiring substantial improvements of the land may be made for such longer periods as may be authorized by law.
- (4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Uintah and Ouray Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber land shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed \$75,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Utah for the rendition of public services: Provided, That

all contracts entered into during any one fiscal year, requiring payment of money by the corporation, other than contracts with the United States or contracts submitted for Departmental approval, shall not exceed \$10,000 in total amount except with the approval of the Secretary of the Interior.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That assignments of tribal income, other than assignments to the United States shall not extend more than ten years from the date of execution and shall not cover more than one-half of the net tribal income: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien, or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Tribal Business Committee for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the reservation shall vote. If, at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Business Committee to popular referendum of the adult members of the tribe actually living within the reservation, and if the termination is approved by two thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Ute Indian Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita among the recognized members

of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more than one-half the net profits or net income for that year, shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Ute Indian Tribe living on the Uintah and Ouray Reservation, and voting in the referendum, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Uintah and Ouray Agency and the Chairman of the Tribal Business Committee of the Tribe.

Submitted by the Assistant Secretary of the Interior for ratification by the Ute Indian Tribe of the Uintah and Ouray Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., July 6, 1938

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on July 6, 1938 by the Assistant Secretary of the Interior to the Ute Indian Tribe of the Uintah and Ouray Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on August 10, 1938 duly ratified by a vote of 213 for and 8 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

ORAN CURRY,
Chairman, Tribal Business Committee.

C. C. WRIGHT,
Superintendent, Uintah and Ouray Agency.

CONSTITUTION AND BY-LAWS OF THE UTE INDIAN TRIBE
OF THE UINTAH AND OURAY RESERVATION, UTAH

Approved January 19, 1937

PREAMBLE

We, the Ute Indians of the Uintah, Uncompahgre and Whiteriver Bands hereafter to be known as the Ute Indian Tribe of the Uintah and Ouray Reservation, in order to establish a more responsible tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule, not inconsistent with the Federal, State and local laws, do ordain and establish this Constitution for the Ute Indian Tribe of the Uintah and Ouray Reservation.

ARTICLE I — TERRITORY

The Jurisdiction of the Ute Indian Tribe of the Uintah and Ouray Reservation shall extend to the territory within the original confines of the Uintah and Ouray Reservation as set forth by Executive Orders of October 3, 1861 and January 5, 1882, and by the Acts of Congress approved May 27, 1902, and June 19, 1902, and to such other lands without such boundaries as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Ute Indian Tribe of the Uintah and Ouray Reservation shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the Ute Indian Tribe of the Uintah and Ouray Reservation as of July 1, 1935.

(b) All children born to any member of the Ute Indian Tribe of the Uintah and Ouray Reservation who is a resident of the Reservation at the time of the birth of said children.

SEC. 2. The Tribal Business Committee shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members.

(a) No property rights shall be acquired or lost through membership in this organization except as provided herein.

ARTICLE III — THE BUSINESS COMMITTEE

SECTION 1. The governing body of the Ute Indian Tribe of the Uintah and Ouray Reservation shall be a business committee, known as the Uintah and Ouray Tribal Business Committee.

SEC. 2. The Tribal Business Committee shall consist of six members, two (2) members duly elected from each of the three (3) bands of the Ute Indian Tribe of the

of the Uintah and Ouray Reservation, known as the Uintah, Uncompahgre and Whiteriver Bands.

SEC. 3. The members of the Tribal Business Committee shall be elected for a term of four (4) years, except at the first election, when one (1) member from each band shall be elected for a term of two (2) years; thereafter, their successors shall be elected for a term of four (4) years.

SEC. 4. The Tribal Business Committee, so organized, shall elect from within its own number (1) a chairman, (2) a vice-chairman; and from within or without, (3) a secretary, and (4) a treasurer, and such other officials and committees as may be deemed necessary.

SEC. 5. The first election of the Tribal Business Committee hereunder shall be called, held and supervised by the present Tribal Business Committee within sixty (60) days after the ratification and approval of this Constitution.

The candidate from each band receiving the highest number of votes shall hold office for a term of four (4) years, and the candidate from each band receiving the next highest number of votes shall hold office for two (2) years; thereafter, every two (2) years a Tribal Business Committeeman shall be elected from each band to represent such bands for a term of four (4) years.

After the first election, elections for the Tribal Business Committee shall be called at least sixty (60) days prior to the expiration of the terms of office of the members of the Tribal Business Committee.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. Any member of the Ute Indian Tribe of the Uintah and Ouray Reservation twenty-one (21) years of age or over, who has maintained a legal residence on the Uintah and Ouray Reservation for a period of one (1) year preceding the election, shall be entitled to vote and hold office.

SEC. 2. Any legal voter is eligible to serve as a member of the Tribal Business Committee.

SEC. 3. All elections shall be by secret ballot and shall be held in accordance with rules and regulations prescribed by the Tribal Business Committee, or by an election board appointed by the Tribal Business Committee.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a member of the Tribal Business Committee or an elective official shall die, resign, be removed or recalled from office, permanently leave the reservation, or be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the position shall be declared vacant, at the discretion of the Tribal Business Committee, and they shall designate a time to hold a special election to fill the vacancy.

SEC. 2. The Business Committee may by four (4) affirmative votes, expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him at least five (5) days before the meeting of the Business Committee, before which he is to appear, and an opportunity to answer any and all

charges at such designated Committee meeting. The decision of the Business Committee shall be final.

SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters in any band calling for the recall of any member of the Committee representing said band, it shall be the duty of the Committee to call an election on such recall petition. No member may be recalled in any such election unless at least thirty percent of the legal voters of the band which he represents shall vote at such election.

ARTICLE VI — POWERS OF THE TRIBAL BUSINESS COMMITTEE

SECTION I. Enumerated powers.—The Tribal Business Committee of the Uintah and Ouray Reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and By-laws, and subject to review by the Ute Bands themselves at any annual or special meeting:

(a) To negotiate with the Federal, State and local governments on behalf of the Tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Ute Indian Tribe.

(b) To employ legal counsel for the protection and advancement of the rights of the Ute Indian Tribe of the Uintah and Ouray Reservation, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interest in tribal lands, or other tribal assets, which may be authorized or executed by the Secretary of the Interior, Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be encumbered or sold, except for governmental purposes, or leased for a period exceeding five years, except that leases for mining purposes or on irrigable land may be made for such longer periods as may be authorized by law.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates, or Federal projects, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of reservation land to members of the Ute Indian Tribe of the Uintah and Ouray Reservation in conformity with Article VIII of this Constitution.

(f) To regulate all economic affairs and enterprises in accordance with the terms of a Charter that may be issued to the Ute Indian Tribe of the Uintah and Ouray Reservation by the Secretary of the Interior.

(g) To appropriate for salaries of tribal officials or other public purposes of the Tribe any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(h) To levy taxes upon members of the Ute Indian Tribe of the Uintah and Ouray Reservation, and to require the performance of community labor in lieu thereof, and to levy taxes and license fees, subject to review by the Secretary of the Interior

upon non-members doing business within the Reservation.

(i) To exclude from the territory of the Uintah and Ouray Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances, not inconsistent with Article II of this Constitution governing adoption and abandonment of members, and to keep at all times a correct roll of the members of the Ute Indian Tribe of the Uintah and Ouray Reservation.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Ute Indian Tribe of the Uintah and Ouray Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a Reservation Indian Court and defining its duties and powers.

(l) To safeguard and promote the peace, safety, morals and general welfare of the Ute Indian Tribe of the Uintah and Ouray Reservation by regulating the conduct of trade and the use and disposition of property upon the Reservation, provided that any ordinance directly affecting nonmembers of the Reservation shall be subject to review by the Secretary of the Interior.

(m) To charter subordinate organizations for economic purposes, and to regulate the activities of co-operative associations of members of the Ute Indian Tribe of the Uintah and Ouray Reservation by ordinance, provided that any such ordinance shall be subject to review by the Secretary of the Interior.

(n) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Uintah and Ouray Reservation, subject to review by the Secretary of the Interior.

(o) To regulate the domestic relations of members of the Ute Indian Tribe of the Uintah and Ouray Reservation by ordinances which shall be subject to review by the Secretary of the Interior.

(p) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions which shall be subject to review by the Secretary of the Interior.

(q) To cultivate and preserve native arts, crafts, culture, and Indian ceremonies.

(r) To adopt resolutions to regulate the procedure of the Tribal Business Committee itself, and all other tribal agencies and tribal officials of the Uintah and Ouray Reservation.

(s) To delegate to subordinate organizations or to co-operative organizations which are open to all members of the Ute Indian Tribe of the Uintah and Ouray Reservation any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SEC. 2. Manner of review.—Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten (10) days

thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Tribal Business Committee of such action; provided that if the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten (10) days after its enactment, he shall advise the Tribal Business Committee of his reasons therefor, and the Committee, if such reasons appear to be insufficient may refer it together with the Superintendent's objections to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within ninety (90) days from its enactment.

SEC. 3. Future powers.—The Tribal Business Committee may exercise such further powers as may in the future be delegated to them by the Secretary of the Interior, or by any other duly authorized official or agency of the Government.

SEC. 4. Reserved powers.—Any rights and powers heretofore vested in the Tribe or bands of the Uintah and Ouray Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Uintah and Ouray Reservation through the adoption of appropriate By-laws and constitutional amendments.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. All members of the Ute Indian Tribe of the Uintah and Ouray Reservation over the age of twenty-one (21) years who have maintained legal residence on the Reservation for a period of one year immediately prior to any election shall have the right to vote in all tribal elections.

SEC. 2. All members of the Ute Indian Tribe of the Uintah and Ouray Reservation shall be accorded equal opportunities to participate in the economic resources and activities of the Reservation.

SEC. 3. All members of the Ute Indian Tribe of the Uintah and Ouray Reservation may enjoy, without hindrance, freedom of speech, worship, conscience, press, assembly and association.

SEC. 4. Any member of the Ute Indian Tribe of the Uintah and Ouray Reservation accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall have the right to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed.

ARTICLE VIII — LAND

SEC. 1. Allotted lands.—Allotted lands, including heirship lands, within the Uintah and Ouray Reservation shall continue to be held as heretofore, by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Utah, or of the Federal government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Ute Indian Tribe of the Uintah and Ouray Reservation. Likewise, it is recognized that under existing law

the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Ute Indian Tribe of the Uintah and Ouray Reservation either in exchange for a money payment or in exchange for an assignment to cover the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands.—The unallotted lands of the Uintah and Ouray Reservation, and all lands which may hereafter be acquired by the Ute Indian Tribe of the Uintah and Ouray Reservation or by the United States in trust for the Ute Indian Tribe of the Uintah and Ouray Reservation, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Ute Indian Tribe of the Uintah and Ouray Reservation, or leased, or otherwise used by the Tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands.—Tribal lands may be leased by the Tribal Business Committee, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands, preference shall be given, first, to Indian co-operative associations, and, secondly, to individual Indians who are members of the Ute Indian Tribe of the Uintah and Ouray Reservation.

No lease of tribal lands to a non-member shall be made by the Tribal Business Committee unless it shall appear that no Indian co-operative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Business Committee, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grant of standard assignments.—In any assignment of tribal lands which now are owned by the Tribe or which hereafter may be acquired for the Tribe by the United States or purchased by the Tribe out of tribal funds, preferences shall be given to heads of families which have no allotted lands or interest in allotted lands.

No allotted member of the Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Business Committee may, if it sees fit, charge a fee of not to exceed five dollars (\$5.00) on approval of an assignment made under this section. Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

SEC. 5. Tenure of standard assignments.—If any member of the Tribe holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned or shall use such land for any unlawful purpose, his assignment may be cancelled by the Tribal Business Committee after due notice and an opportunity to be

heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Ute Indian Tribe of the Uintah and Ouray Reservation and are eligible to receive such assignment.

SEC. 6. Grant of exchange assignments.—Any member of the Tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit. Assignments made under this section shall be known as exchange assignments.

SEC. 7. Leasing of exchange assignments.—Exchange assignments may be used by the assignee or leased by him to Indian co-operative associations, to individual members of the Tribe, or, if no individual Indian or Indian co-operative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to nonmembers in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments.—Upon the death of the holder of an exchange assignment, his interest shall be reassigned by the Tribal Business Committee to his heirs and devisees, subject to the following conditions:

(a) The land may not be reassigned to any heir or devisee who is not a member of the Ute Indian Tribe of the Uintah and Ouray Reservation except that a life assignment may be made to the surviving widow or widower of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of grazing land or other land or interest in lands of equal value, to be determined from time to time by the Tribal Business Committee.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than one-hundred-sixty (160) acres, and no area of agricultural land shall be subdivided into units smaller than two-and-one-half (2 1/2) acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Business Committee may issue to the eligible heirs or devisees grazing permits or other interest in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Ute Indian Tribe of the Uintah and Ouray Reservation or otherwise disposed of under such regulations as the Tribal Business Committee shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Business Committee.

SEC. 10. Exchange of assignments.—Assignments may be exchanged between members of the Ute Indian Tribe of the Uintah and Ouray Reservation by common consent in such a manner as the Tribal Business Committee shall designate.

SEC. 11. Use of unassigned tribal land.—Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Business Committee for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole. All action of the Tribal Business Committee with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the Act of June 18, 1934.

SEC. 12. Purchase of land by the tribe.—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Uintah and Ouray Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

(b) Restricted lands, which are in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Ute Indian Tribe of the Uintah and Ouray Reservation, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Tribe who is over the age of sixty (60) years or who is physically incapacitated, may be transferred by its owner to the Tribe in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Excess land owned by any member of the Tribe may be purchased by the Tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Tribe who desires to leave the Reservation permanently may be purchased by the Tribe, under such terms as may be agreed upon.

SEC. 13. Method of making assignments.—Applications for assignments shall be filed with the Secretary of the Tribal Business Committee and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three other conspicuous places on the Reservation for not less than twenty (20) days before action is taken by the Tribal Business Committee. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Tribal Business Committee, and may if he so desires appear before the Tribal Business Committee to present evidence. The Secretary of the Tribal Business Committee shall furnish the Superintendent or other officials in charge of the agency a complete record of all action taken by the Tribal Business Committee on applications for assignments of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Tribe.

The Tribal Business Committee shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — REFERENDUM

Upon a petition of at least one-third (1/3) of the eligible voters of the Ute Indian Tribe of the Uintah and Ouray Reservation, or upon the request of a majority of the members of the Tribal Business Committee, any enacted or proposed ordinance or resolution of the Tribal Business Committee shall be submitted to a popular referendum, and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Business Committee provided that at least thirty (30) per cent of the eligible voters shall vote in such election.

ARTICLE X — AMENDMENTS

Amendments to the Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws. Whenever the Tribal Business Committee shall, by an affirmative vote of four or more members, call for the submission of an amendment, the Secretary of the Interior shall call an election upon the proposed amendment. If at such election the amendment is adopted by a majority of the qualified voters of the Tribe voting thereon and if at least thirty (30) per cent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and if approved by him, shall thereupon take effect.

BY-LAWS OF THE UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Tribal Business Committee.—The Chairman of the Tribal Business Committee shall preside over all meetings of the Committee, shall perform all duties of a Chairman and exercise any authority delegated to him by the Committee. He shall have the privilege of voting.

SEC. 2. Vice-Chairman of the Tribal Business Committee.—The Vice-Chairman shall assist the Chairman when called upon so to do and in the absence of the Chairman, he shall preside. When so presiding, he shall have the rights, privileges, duties and responsibilities of the Chairman.

SEC. 3. Secretary of the Tribal Business Committee.—The Secretary of the Tribal Business Committee shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted in Tribal Business Committee meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Tribal Business Committee.

SEC. 4. Treasurer of the Tribal Business Committee.—The Treasurer of the Tribal Business Committee shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Tribal Business Committee, whether same be tribal funds or special funds for which the Tribal Business Committee is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed

by the Tribal Business Committee and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Tribal Business Committee at regular meetings and at such other times as requested by the Tribal Business Committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Business Committee, except when properly authorized so to do by resolution duly passed by the Tribal Business Committee.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Business Committee and at such other times as the Tribal Business Committee or the Commissioner of Indian Affairs may direct.

The Treasurer shall be required to give a bond satisfactory to the Tribal Business Committee and to the Commissioner of Indian Affairs.

The Treasurer shall be present at all special and regular meetings of the Tribal Business Committee.

SEC. 5. Appointive officers.--The duties of all appointive committees or officers of the Ute Indian Tribe of the Uintah and Ouray Reservation shall be clearly defined by resolution of the Tribal Business Committee at the time of their creation or appointment. Such committees and officers shall report from time to time as required by the Tribal Business Committee, and their activities and decisions shall be subject to review by the Tribal Business Committee upon petition of any person aggrieved.

ARTICLE II — QUALIFICATIONS OF COMMITTEEMEN

No person shall be a candidate for membership in the Tribal Business Committee unless he shall be a member of the Ute Indian Tribe of the Uintah and Ouray Reservation and shall have resided in the territory thereof for a period of one year next preceding the election and be at least twenty-one (21) years of age.

ARTICLE III — CERTIFICATION OF ELECTION

It shall be the duty of the members of the Tribal Business Committee to certify to the election of duly elected committee members. This shall be done within five days after the election and a certificate filed with the Secretary of the Business Committee.

ARTICLE IV — INSTALLATION OF COMMITTEEMEN

Newly elected members who have been duly certified, shall be installed at the first regular meeting of the Tribal Business Committee following the election, upon subscribing to the following oath:

"I -----, do solemnly swear (or affirm) that I shall support and uphold the Constitution of the United States, the Constitution and laws of the State of Utah, and the Constitution and By-laws and Ordinances of the Ute Indian Tribe of the Uintah and Ouray Reservation in the State of Utah; that I shall in all respects faithfully and fully perform the duties of my office as a member of the

Tribal Business Committee for the Ute Indian Tribe of the Uintah and Ouray Reservation, so help me God."

The oath may be taken and subscribed to before the Superintendent or any other person authorized to administer oath in the State of Utah.

ARTICLE V — SALARIES

The Tribal Business Committee may prescribe such salaries of officials or Tribal Business Committee members as it deems advisable from such funds as may be available.

ARTICLE VI — TIME, PLACE, AND PROCEDURE OF REGULAR MEETINGS

SECTION 1. Meetings.—Regular meetings of the Tribal Business Committee shall be held on the second Monday of each month at Fort Duchesne, Utah, at a designated building or hall where official records will be kept. Special meetings may be called by written notice duly served on each committee member a reasonable time before said meeting, signed by the Chairman or by a majority of the Tribal Business Committee members, and when so called, the Tribal Business Committee shall have the power to transact business as in regular meetings.

SEC. 2. General tribal meetings.—There shall, on the last Monday in May, be an annual meeting open to all members of the Ute Indian Tribe of the Uintah and Ouray Reservation held at a designated place which shall be approved by the Tribal Business Committee.

It shall be the duty of the Chairman at this meeting to make a report of all activities of the Tribal Business Committee throughout the year, and to outline the proposed plans for economic and social betterment of the Tribe.

Special tribal meetings may be called by the Chairman of the Tribal Business Committee, provided that due notice is posted throughout the Reservation at least thirty (30) days prior to such meeting.

Fifty (50) legal voters of the Tribe, may, at any time, by written petition, call a general meeting, provided that at least fifteen (15) days notice is posted throughout the Reservation.

SEC. 3. Quorum.—No tribal business shall be transacted unless a quorum is present.

A quorum of the Tribal Business Committee shall consist of four (4) members of the Tribal Business Committee.

A quorum of the general tribal meeting shall consist of not less than seventy-five (75) voters at the annual meeting, and seventy (70) voters at a special meeting.

SEC. 4. Order of business.—The following order of business is established for all meetings:

1. Call to order by the Chairman.
2. Roll call.
3. Ascertainment of a quorum.
4. Reading the Minutes of last meeting.
5. Adoption of minutes by vote or common consent.

6. Unfinished business.
7. New business.
8. Adjournment.

SEC. 5. Ordinances and resolutions.—All final decisions of the Tribal Business Committee on matters of general and permanent interest to the members of the Ute Indian Tribe of the Uintah and Ouray Reservation shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Business Committee on matters of temporary interest (such as acting on reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officers (such as adoption of members, instructions for tribal employees, or rules of order for the Tribal Business Committee) shall be embodied in resolutions. Such resolutions shall be recorded in a special book and shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports, invitations to outsiders to speak) shall be decided by motion duly passed, or by ruling of the Chairman if no opposition is heard. In all ordinances, resolutions or motions, the Tribal Business Committee may act by a majority vote, but all matters of importance shall be fully discussed and a reasonable attempt made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

SEC. 6. Legislative forms.—Every ordinance shall begin with the words, "Be it enacted by the Uintah and Ouray Tribal Business Committee * * *."

Every resolution shall begin with the words, "Be it resolved by the Uintah and Ouray Tribal Business Committee, * * *."

ARTICLE VII — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws attached hereto shall be in full force and effect whenever a majority of the adult voters of the Uintah, Uncompahgre and Whiteriver Bands of the Uintah and Ouray Reservation, voting at an election called by the Secretary of the Interior in which at least thirty (30) percent of the eligible voters shall vote, shall have ratified such Constitution and By-laws and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 20, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Ute Indians of the Uintah, Uncompahgre and Whiteriver Bands of the Uintah and Ouray Reservation and was on December 19, 1936, duly adopted by a vote of 347 for, and 12 against, in an election which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

ROY SMITH,
Chairman of Election Board.
ORAN CURRY,
Chairman of Tribal Business Committee.
ROBERT L. BENNETT,
Secretary.

C. C. WRIGHT,
Superintendent in charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Ute Indian Tribe, of the Uintah and Ouray Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: January 12, 1937.

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., January 19, 1937

CONSTITUTION AND BY-LAWS OF THE UTE MOUNTAIN TRIBE
OF THE UTE MOUNTAIN RESERVATION
COLORADO, NEW MEXICO, UTAH

Approved June 6, 1940

PREAMBLE

We, the people of the Ute Mountain Tribe of the Ute Mountain Reservation, in Colorado, New Mexico and Utah, under the jurisdiction of the Consolidated Ute Agency, Ignacio, Colorado, in order to exercise the rights of self-government, to administer our tribal affairs, to preserve, develop and increase our tribal resources, do ordain and establish this Constitution.

ARTICLE I — JURISDICTION

The jurisdiction of the Ute Mountain Tribe of the Ute Mountain Reservation through its General Council, the Ute Mountain Tribal Council, and its Court, shall extend to the lands now included within the Ute Mountain Reservation and to such other land as may be added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Ute Mountain Tribe of the Ute Mountain Reservation shall consist of the following:

(a) All persons of Ute Indian blood duly enrolled on the 1939 census of the Ute Mountain Reservation: Provided, That within two years from the adoption and approval of this Constitution and Bylaws additions and changes may be made by the Council, subject to the approval of the Secretary of the Interior.

(b) And all children born to any member if such children shall be of one-half or more degree of Ute Indian blood.

SEC. 2. The Council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, covering future membership.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Ute Mountain Tribe of the Ute Mountain Reservation, which includes Allen Canyon, shall be known as the "Ute Mountain Tribal Council".

SEC. 2. The Council shall be composed of seven members, one of whom shall be elected annually by the members of the Allen Canyon (Utah) Community. The Council when it meets after each annual election, shall choose from its membership; a chairman, a secretary-custodian, a treasurer, and such other officers and committees as may be deemed necessary.

SEC. 3. The Council shall have the power to district the reservation and to apportion representation, subject to a referendum of the people, whenever such action is deemed advisable by the Council.

SEC. 4. Members of the Council shall be at least twenty-five years of age, and permanent residents of the reservation. No person who has been convicted of a felony shall be eligible for membership on the Council.

SEC. 5. The first election of the Council shall be held within sixty days after the adoption and approval of this Constitution; and thereafter, the annual election shall be held on the second Friday in October. The councilmen elected at this first meeting shall serve until the first annual election in 1941.

SEC. 6. At the first annual election after the adoption of this Constitution, the members of the Towaoc Community shall meet and elect two members of the Council for one year; two members for two years; and two members for three years; thereafter, two members shall be elected, annually, by the Towaoc Community for a three-year period. The Allen Canyon Community shall meet and elect their councilman as provided for in sections 2 and 5 of this Article.

SEC. 7. Any councilman who may resign, die, or be removed from his office, shall be replaced only at a regular election or at a special election called by the Council. Any councilman convicted of a felony or misdemeanor involving dishonesty in a Federal, State or Indian Court may be removed from office by a two-thirds vote of the Council.

SEC. 8. Members of the Council shall take office on the first Friday of the first month after their election.

ARTICLE IV -- NOMINATIONS AND ELECTIONS

SECTION 1. Any resident member, male or female, 21 years of age or over, and otherwise qualified, shall be entitled to vote at any election.

SEC. 2. All elections shall be announced by the Superintendent, or by an officer of the tribe designated by the Council, through a circular letter to the Ute Mountain Indians at least ten days before the election.

SEC. 3. Candidates for election to the Council shall be nominated at and appear before General Councils to be held at Ute Mountain Sub-Agency, and Allen Canyon. They shall then be seated, after which voting shall take place. Voting shall be by show of hands.

SEC. 4. Notice of special elections shall be given in the same manner as that for general or regular elections.

ARTICLE V -- POWERS OF THE COUNCIL

SECTION 1. The Council of the Ute Mountain Tribe shall exercise the following powers:

(a) To negotiate with Federal, State and local Governments.

- (b) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the tribe. Leases shall be made by the Council, subject to the approval of the Secretary of the Interior, in accordance with the existing law, but no lease shall be made to a non-member of the tribe unless it has been approved by and authorized by the Council.
- (c) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Ute Mountain Tribe of the Ute Mountain Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (d) To select subordinate boards, tribal officials, and employees of the Council not otherwise provided for in this Constitution and to prescribe their tenure and duties.
- (e) To promulgate ordinances regulating the domestic relations of members of the tribe.
- (f) To make rules and regulations governing its own procedure.
- (g) To approve or veto expenditures from tribal funds which may be proposed by the Secretary of the Interior.
- (h) To manage the tribal herds, particularly with regard to the selling of steers, lambs, wool, the purchasing of fresh stock, the distribution of the increase to the members as individual cattle and sheep owners, and the protection of the herds and the range against encroachments.
- (i) To employ legal counsel for the protection and advancement of the Ute Mountain Tribe of the Ute Mountain Reservation, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.
- (j) To pass ordinances, subject to review by the Secretary of the Interior, covering the activities of voluntary associations consisting of members of the tribe organized for the purpose of cooperation or for other purposes, and to enforce the observance of such ordinances.
- (k) To provide by ordinance, subject to review by the Secretary of the Interior, for the removal or exclusion from the reservation of any nonmembers whose presence may be injurious to members of the tribe.
- (l) To provide by ordinance, subject to review by the Secretary of the Interior, for the appointment of guardians for minors and mental incompetents.
- (m) To prescribe rules for the inheritance of property other than allotted lands.
- (n) To regulate the conduct of members of the tribe and to protect the public peace, safety, morals and welfare of the reservation through the promulgation and enforcement of ordinances, subject to review by the Secretary of the Interior, to effectuate these purposes.

- (o) To appropriate funds for salaries of tribal officers and for public purposes from available funds of the tribe.
- (p) To regulate by ordinance, subject to review by the Secretary of the Interior, nonmembers doing business on the reservation.

SEC. 2. The Council may exercise such further powers as may be delegated to the Ute Mountain Tribe by the Secretary of the Interior or any qualified official or agency of government, and may exercise any rights and powers heretofore vested in the Ute Mountain Tribe of the Ute Mountain Reservation but not expressly referred to in this Constitution.

SEC. 3. Manner of Review. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within two weeks, thereafter, approve or disapprove the same. If he approves an ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within two weeks after its enactment, he shall advise the Tribal Council of his reasons. The Tribal Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI — GENERAL COUNCIL

The General Council, consisting of all the voters of the Ute Mountain Tribe of the Ute Mountain Reservation, shall assemble at such times as the Council shall call them together for the discussion of matters relating to the public welfare. A General Council may be called upon a petition signed by a majority of the qualified voters of the reservation.

ARTICLE VII — LAND

The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignment of land for private use may be made by the Tribal Council in conformity with ordinances which may be adopted on this subject and approved by the Secretary of the Interior.

ARTICLE VIII — REFERENDUM

By a majority vote of the Council, or upon a petition signed by at least 25 percent of the voters of the Ute Mountain Reservation, any proposed or enacted ordinance or resolution of the Tribal Council shall be submitted to an election of the Tribe. A majority of those voting shall determine the validity of such ordinance or resolution. No ordinance or resolution submitted to referendum shall be in effect until approved in the referendum.

ARTICLE IX — AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Tribal Council, and may be ratified and approved in the same manner as this Constitution and By-laws.

BY-LAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN

RESERVATION — COLORADO, NEW MEXICO, UTAH

ARTICLE I — MEETINGS OF THE TRIBAL COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that its members have a correct and clear understanding of the Constitution and Bylaws, and of the general management of the tribal and reservation affairs as well as of the rules for the conduct of its own business.

SEC. 2. The regular meetings of the Council shall be held on a date decided on at a previous meeting of the Council, but meetings shall be held once a month at the Ute Mountain Sub-Agency, or other designated place.

SEC. 3. Special meetings of the Tribal Council may be called by the Chairman or by request of two or more members of the Council. Notice of such special meeting shall be given to every member of the Council and to the Superintendent or person in charge of the Sub-Agency as promptly as possible.

SEC. 4. Matters of business before the Council shall be decided by a majority vote of the quorum present. Five members of the Tribal Council must be present at any regular or special meeting in order to transact tribal business. In the absence of the chairman, the remaining members of the Council may elect a temporary chairman.

ARTICLE II — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a chairman and exercise any authority given to him by the Council or by a General Council of the Tribe. He shall vote only in case of a tie.

SEC. 2. The Secretary-Custodian shall be chosen by the Council from among its members if there is among them a person able to perform such duties; otherwise the Council may elect a Secretary-Custodian from the outside. If chosen from outside the Council, the Secretary-Custodian shall have no vote. If a Council member is able to perform common secretarial duties but not to conduct more difficult secretarial business, he may have a competent assistant from outside the Council. As long as the Federal Government gives help in health and educational service, a Superintendent, and other advisory officials, it may be represented at the Council meetings by a delegate without vote, and such delegate may be selected by the Council to serve as Secretary. To such a secretary, or other employee of the United States Government, selected by the Council, shall be entrusted for the time heretofore referred to, the safe-keeping of all valuable papers and records of the Council and the Tribe, such papers to be kept in the agency office and be accessible to the Council chairman and other authorized persons.

SEC. 3. The Council treasurer shall be the custodian of all monies which may come under the jurisdiction or into the control of the Council. He shall pay out money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such amount as the Council may by

resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE III — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Ute Mountain Tribe of the Ute Mountain Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 9, 1940, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Ute Mountain Tribe of the Ute Mountain Reservation and was on May 8, 1940, duly adopted by a vote of 91 for, and 12 against, in an election in which more than 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

EMMA SOUTH BEECHER,
Chairman, Election Board.

LEWIS E. WING,
Secretary, Election Board.

JACK HIGHT, Judge.

S.F. STACHER,
Superintendent, Consolidated Ute Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Ute Mountain Tribe of the Ute Mountain Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the members of the Ute Mountain Tribe of the Ute Mountain Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended May 23, 1940.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary.

Washington, D. C., June 6, 1940

[SEAL]

CORPORATE CHARTER OF THE SOUTHERN UTE
TRIBE, COLORADO

Ratified November 1, 1938

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Southern Ute Tribe of the Southern Ute Reservation in Colorado constitutes a recognized Indian tribe organized under a constitution and bylaws ratified by the Tribe on September 12, 1936, and approved by the Secretary of the Interior on November 4, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Southern Ute Tribe of the Southern Ute Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the eligible voters vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Southern Ute Tribe of the Southern Ute Reservation in Colorado by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Southern Ute Tribe."

2. Perpetual Succession. The Southern Ute Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Southern Ute Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.

4. Management. The Council of the Southern Utes established in accordance with the said Constitution and Bylaws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and Bylaws:

(a) To adopt, use and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water rights, and mineral rights, now or hereafter held by the Tribe.

(2) No leases, permits (which term shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Southern Ute Reservation shall be made by the Tribe for a longer term than ten years, except when authorized by law, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative.

(3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Southern Ute Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands or other lands of members of the Tribe, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or association of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, except for indebtedness to the Indian Credit Fund, shall not exceed \$5,000, without the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of the Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Colorado, including agreements with the State of Colorado for the rendition of public services: Provided, That any contract involving payments of money by the Tribe in excess of \$1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

- (g) To pledge or assign chattels or future tribal income due or to become due to the Tribe; Provided, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution nor cover more than one-half the net tribal income from any one source: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.
- (i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States, to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattles specially pledged or assigned.
- (j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Council of the Southern Utes for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) 2, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter such request shall be made and the Secretary shall disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Council of the Southern Utes to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Southern Ute Tribe as heretofor constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted

to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits or income in any one year amounting to a distribution of more than one-half of the accrued surplus shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council of the Southern Utes which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Southern Ute Tribe living on the Southern Ute Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Consolidated Ute Agency and the Chairman of the Council of the Southern Utes.

Submitted by the Assistant Secretary of the Interior for ratification by the Southern Ute Tribe of the Southern Ute Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C., July 11, 1938

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat 984), this Charter, issued on July 11, 1938 by the Assistant Secretary of the Interior to the Southern Ute Tribe of the Southern Ute Reservation, Colorado, was duly submitted for ratification to the adult Indians living on the Reservation and was on November 1, 1938 duly adopted by a vote of 78 for and 3 against, in an election in which over thirty per cent of those entitled to vote cast their ballots, this election having been duly called by the order of the Assistant Secretary of the Interior dated October 22, 1938, and the election originally called by the Assistant Secretary of the Interior having been duly postponed.

ANTONIO BUCK, SR.
Chairman, Council of Southern Utes.

S.F. STACHER,
Superintendent, Consolidated Ute Agency.

AMENDMENT I

SECTION 5 (f), Corporate Powers, shall be amended to read as follows:

"(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association or corporation, with any municipality of any county, or with the United States or the State of Colorado for the rendition of public services: Provided, that no contract involving payments of any money by the Corporation in excess of \$15,000 shall be valid until approved by the Secretary of the Interior or his duly authorized representative."

APPROVAL

The foregoing Amendment I is herewith approved and submitted for ratification by the adult members of the Southern Ute Tribe living on the Southern Ute Reservation, Colorado, in accordance with Section 10 of the Corporate Charter of the Southern Ute Tribe and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

(Sgd) GEORGE W. ABBOTT
Assistant Secretary of the Interior

Washington, D. C.
Date: December 27, 1960

CERTIFICATION OF ADOPTION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), the attached Amendment I issued on December 27, 1960, by the Assistant Secretary of the Interior to the Corporate Charter of the Southern Ute Tribe of the Southern Ute Reservation, Colorado, was duly submitted for ratification to the adult members of the Tribe living on the reservation, and was on February 24, 1961, duly ratified by a vote of 67 for, and 10 against, in an election in which at least thirty percent of those entitled to vote cast their ballots.

(Sgd) ANTHONY BURCH
Chairman, Council of Southern Utes

(Sgd) EUTERPE TAYLOR
Member, Election Board

(Sgd) ANNA MARIE SCOTT
Member, Election Board

(Sgd) JAMES F. CANAN
Superintendent, Consolidated Ute Agency

CONSTITUTION AND BY-LAWS OF THE SOUTHERN UTE TRIBE
OF THE SOUTHERN UTE RESERVATION, COLORADO

Approved November 4, 1936
Amended

PREAMBLE

We, the Southern Ute Tribe of the Southern Ute Reservation, in Colorado, in order to exercise the rights of self-government, to administer our tribal affairs, to preserve and increase our tribal resources, do ordain and establish this Constitution.

ARTICLE I — JURISDICTION

The jurisdiction of the Southern Ute Tribe of the Southern Ute Reservation through their General Council, the Council of the Southern Utes and their Court, shall extend to the lands now included within the Southern Ute Reservation and to such other land as may be added thereto, except such portions of the reservation as may have passed out of Indian ownership.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Southern Ute Tribe of the Southern Ute Reservation shall consist of the following:

- (a) All persons duly enrolled on the 1935 census of the Southern Ute Reservation; Provided, That rights of participation shall depend upon the establishment of legal residence upon the reservation;
- (b) All children of members, if such children shall be of $\frac{1}{2}$ or more degree of Ute Indian blood.

SEC. 2. The Council shall have power to pass ordinances, subject to the approval of the Secretary of the Interior, covering the adoption of new members.

SEC. 3. No person shall be adopted into the Southern Ute Tribe unless he is of Indian blood and has resided upon the reservation for a probationary period to be determined by the Council.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Southern Ute Tribe of the Southern Ute Reservation shall be known as the Council of the Southern Utes.

SEC. 2. The Council shall be composed of six members. It shall choose from its membership, a Chairman, and from within or without its membership, a Secretary-Custodian, and Treasurer, and such other officers and committees as may be deemed necessary.

SEC. 3. The Council shall have the power to district the reservation and to apportion representation, subject to a referendum of the people, whenever such action is deemed advisable by the Council.

SEC. 4. Members of the Council shall be at least thirty years of age, and permanent residents of the reservation. No person who has been convicted of a felony shall be eligible for membership on the Council.

SEC. 5. The first election of the Council shall be held within sixty days after the adoption and ratification of this Constitution; and thereafter, the annual election shall be held on the first Friday in October.

SEC. 6. At the first annual election after the adoption of this Constitution, two members of the Council shall be elected for one year; two members for two years, and two members for three years. Thereafter, two members shall be elected annually for a three year period.

SEC. 7. Any Councilman who may resign, die, or be removed from his office, shall be replaced only at a regular election or at a special election called by the Council. Any Councilman convicted of a felony or misdemeanor involving dishonesty in a Federal, State or Indian Court may be removed from office by two-thirds vote of the Council.

SEC. 8. Members of the Council shall take office on the first Tuesday of the first month after their election.

SEC. 9. If the first election, after the approval of this Constitution, does not coincide with the annual election, the tenure of the Council elected shall be extended to cover the period between the first election and the annual election.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. Any resident member, male or female, 21 years of age or over, and otherwise qualified, shall be entitled to vote at any election.

SEC. 2. All elections shall be announced by the Superintendent, or by an officer of the tribe designated by the Council, through a circular letter to the Southern Utes at least ten days before the election.

SEC. 3. At the first election after the approval of this Constitution, nominations for members of the Council for the Southern Utes shall be made for the one, two, and three year terms at a General Council called for that purpose. Persons nominated shall appear in front of the General Council and then be seated, after which voting shall take place. The voting place shall be at the Consolidated Ute Agency. Voting shall be by show of hands.

SEC. 4. Notice of special elections shall be given in the same manner as that for general or regular elections.

ARTICLE V — POWERS OF THE COUNCIL

SECTION 1. The Council of the Southern Ute Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached By-laws.

- (a) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the tribe.

Leases shall be made by the Council, subject to the approval of the Secretary of the Interior, in accordance with existing law, but no lease nor grant of tribal land, nor of interest in land, nor of water rights shall be made to a non-member of the tribe unless it has been approved by a referendum vote of the tribe and authorized by the Council.

- (b) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Ute Indians of the Southern Ute Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (c) To select subordinate boards, tribal officials, and employees of the Council not otherwise provided for in this Constitution and to prescribe their tenure and duties.
- (d) To promulgate ordinances regulating the domestic relations of members of the tribe.
- (e) To make rules and regulations governing its own procedure.
- (f) To approve or veto expenditures from the tribal funds which may be proposed by the Secretary of the Interior.
- (g) By ordinances and resolutions, subject to review by the Secretary of the Interior, to manage the tribal herds, particularly with regard to the selling of steers, lambs, wool, the purchasing of fresh stock, the distribution of the increase to the Indians as individual cattle and sheep owners, and the protection of the herds and the range against encroachments.
- (h) To employ legal counsel for the protection and advancement of the Southern Ute Tribe of the Southern Ute Reservation, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.
- (i) To pass ordinances, subject to review by the Secretary of the Interior, covering the activities of voluntary associations consisting of members of the tribe organized for purposes of cooperation or for other purposes, and to enforce the observance of such ordinances.
- (j) To provide by ordinances, subject to review by the Secretary of the Interior, for the removal or exclusion from the reservation of any non-members whose presence may be injurious to members of the tribe.
- (k) To provide by ordinances, subject to review by the Secretary of the Interior, for the appointment of guardians for minors and mental incompetents.
- (l) To prescribe rules for the inheritance of property other than allotted lands.
- (m) To regulate the conduct of members of the tribe and to protect the public peace, safety, morals, and welfare of the reservation through the promulgation and enforcement of ordinances, subject to review by the Secretary of the Interior, to effectuate these purposes.
- (n) To appropriate for public purposes any available funds of the tribe.

- (o) To request the Superintendent to furnish it with the names of all Civil Service probationers or temporary employees under Civil Service regulations on the Southern Ute Reservation that are nearing the end of their probationary periods, and to advise with the Superintendent in the matter of their being given permanent positions as employees on the reservation.

SEC. 2. The Council may exercise such further powers as may be delegated to the Southern Ute Tribe by the Secretary of the Interior or by any other qualified official or agency of Government.

SEC. 3. Any rights and powers heretofore vested in the Southern Ute Tribe of the Southern Ute Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Southern Ute Reservation through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who, shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: Provided, That if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor, and the Council, if such reasons appear to be insufficient, may refer the ordinance or resolution to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within ninety days from its enactment.

ARTICLE VI — GENERAL COUNCIL

The General Council consisting of all the voters of the Southern Ute Tribe of the Southern Ute Reservation shall assemble at the time appointed for a regular annual election, and at such other times as the Council of the Southern Ute Tribe shall call them together for the discussion of matters relating to the public welfare. A General Council may also be called upon a petition signed by a majority of the qualified voters of the reservation.

ARTICLE VII — LAND

The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignment of land for private use may be made by the Council in conformity with ordinances which may be adopted on this subject, provided the vested rights of members of the tribe are not violated. Right of occupancy of long established allocations or dwelling places and improvements made by individuals or families on tribal lands shall be confirmed by the Council through appropriate ordinances.

ARTICLE VIII — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been

approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon presentation of a petition signed by a majority of the eligible voters of the tribe.

BY-LAWS OF THE UTE INDIANS OF THE SOUTHERN UTE RESERVATION, COLORADO

ARTICLE I -- MEETINGS OF THE COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that its members have a correct and clear understanding of the Constitution and By-laws and of the management of the tribal and reservation affairs as well as of the rules for the conduct of its own body.

SEC. 2. The regular meetings of the Council shall be held on a date decided on at a previous meeting of the Council but meetings shall be held once a month at 9:00 o'clock in the morning.

SEC. 3. The Chairman of the Council shall call a special meeting of the Council upon the request of two or more Councilmen. Notice of such special meeting shall be given to every member of the Council and to the Superintendent as promptly as possible.

SEC. 4. Matters of business before the Council shall be decided by a majority vote of a quorum present. A majority of the members of the Council shall constitute a quorum. In the absence of the Chairman, the remaining members of the Council may elect a temporary Chairman.

ARTICLE II -- DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him by the Council or by a General Council of the tribe. He shall vote only in case of a tie.

SEC. 2. The Secretary-Custodian shall be chosen by the Council from among its members if there is among them a man able to perform such duties; otherwise the Council may elect a Secretary-Custodian from the outside. If a Council member is able to perform common secretarial duties but not to conduct more difficult secretarial business, he may have a competent assistant from outside the Council. As long as the Federal Government gives help in health and educational service, a Superintendent, and other advisory officials, it may be represented at the Council meetings by a delegate without vote, and such delegate may be selected by the Council to serve as Secretary. To such a secretary, or other employee of the United States Government, selected by the Council, shall be entrusted for the time heretofore referred to, the safekeeping of all valuable papers and records of the Council and tribe, such papers to be kept in the agency office and be accessible to the Council Chairman and other authorized persons.

The Secretary-Custodian shall send out notices of elections and regular and special meetings at the direction of the Council or its Chairman, and shall perform such other clerical duties as may be given him by the Council.

SEC. 3. The Council treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Council. He shall pay out

money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such an amount as the Council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE III — RESTRICTION ON VOTING OF COUNCILMEN

Any Councilman who may be personally interested in any matter before the Council shall not vote on such matter without the consent of the remaining members.

ARTICLE IV — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Southern Ute Tribe of the Southern Ute Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty (30%) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved August 4, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Southern Ute Tribe of the Southern Ute Reservation and was on September 12, 1936 duly ratified by a vote of 61 for and 8 against in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

ANTONIO BUCK, SR.,
Chairman of Election Board.

JULIUS CLOUD,
Secretary of Election Board.

D.H. WATTSON, Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Southern Ute Tribe of the Southern Ute Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the Southern Ute Tribe of the Southern Ute Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended October 23, 1936.

WILLIAM ZIMMERMAN, JR.,

Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C.

November 4, 1936.

AMENDMENT CONSTITUTION AND BY-LAWS OF THE SOUTHERN UTE TRIBE
OF THE SOUTHERN UTE RESERVATION, COLORADO

AMENDMENT I

Article IV, Section 3, shall be amended to read as follows:

"At the first election after approval of this Constitution, nominations for members of the Council for the Southern Utes shall be made for the one, two and three year term at a General Council called for that purpose. Persons nominated shall appear in front of the General Council and then be seated, after which voting shall take place. The voting shall be at the Consolidated Ute Agency. Voting shall be by secret ballot."

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amendment to the Constitution and Bylaws of the Southern Ute Tribe of the Southern Ute Reservation.

Approval recommended: January 9, 1943.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

Washington, D. C.
February 2, 1943

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 29, 1942, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and By-laws for the Southern Ute Tribe of the Southern Ute Reservation, Colorado, was submitted for ratification to the qualified voters of the Tribe, and on October 15, 1942, was adopted by a vote of 46 for, and 0 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JULIUS N. CLOUD,
Chairman, Tribal Council,

MARY CRAIG,
Acting Secretary, Tribal Council.

FLOYD E. MACSPADDEN,
Superintendent, Consolidated Ute Agency.

AMENDMENT II

Article V, section 1 (a), which reads as follows:

"To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the tribe. Leases shall be made by the council, subject to the approval of the Secretary of the Interior, in accordance with existing law, but no lease nor grant of tribal land, nor of interest in land, nor of water rights shall be made to a nonmember of the tribe unless it has been approved by a referendum vote of the tribe and authorized by the council."

shall be amended to read as follows:

"To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the tribe. Leases shall be made by the council, subject to the approval of the Secretary of the Interior, in accordance with the existing law, but no lease shall be made to a nonmember of the tribe unless it has been approved by and authorized by the council."

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the foregoing Amendment II to the Constitution and Bylaws of the Southern Ute Tribe of the Southern Ute Reservation.

Approval recommended: February 11, 1946.

WALTER V. WOHLKE,
Acting Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

WASHINGTON, D.C.,
February 28, 1946.

CERTIFICATION OF ADOPTION

Pursuant to an order approved October 5, 1945, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and Bylaws for the Southern Ute Tribe of the Southern Ute Reservation, Colorado, was submitted for ratification to the qualified voters of the Tribe, and on November 1, 1945, was adopted by a vote of 38 for and 0 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

SAMUEL BURCH,
Chairman, Southern Ute Tribal Council.

THELMA KUEBLER,
Secretary, Southern Ute Tribal Council.

FLOYD E. MacSPADDEN,
Superintendent, Consolidated Ute Agency.
